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THE SURVEY OF CHILD SUPPORT AWARDS: INTERIM ANALYSIS OF PHASE 2 DATA (October 1998 to March 2000)

Research Report

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The Survey of Child Support Awards:

Interim Analysis of Phase 2 Data (October 1998 to March 2000)

Prepared by:
Lorne D. Bertrand, PhD
Canadian Research Institute for Law and the Family

Joseph P. Hornick, PhD
Canadian Research Institute for Law and the Family

Joanne J. Paetsch, BA
Canadian Research Institute for Law and the Family

Nicholas M.C. Bala, BA, LLM
Faculty of Law, Queen's University

Presented to:
Family, Children and Youth Section
Department of Justice Canada

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EXECUTIVE SUMMARY

In 1990, the Federal-Provincial-Territorial Family Law Committee began a study to address widespread dissatisfaction with the determination of child support. On behalf of the Committee, the Department of Justice Canada undertook a four-year program of research to help develop guidelines for determining child support award amounts in cases of family breakdown.

On May 1, 1997, the Federal Child Support Guidelines came into effect with the amendments to the *Divorce Act*. (The amendments to the *Income Tax Act* concerning the tax treatment of child support payments took effect on the same date.) The amendments to the *Divorce Act* require the Minister of Justice to review the operation of the Guidelines and report to Parliament before May 1, 2002. The Department's program of research must include preparation of a comprehensive review of the provisions and operations of the Guidelines.

The Federal-Provincial-Territorial Task Force on Implementation of the Child Support Reforms established a Research and Evaluation Sub-committee to help develop the comprehensive program of socio-legal research to support the review required by the 1997 *Divorce Act* amendments. Given the profound change in the way award amounts are calculated under the Guidelines, the Task Force and the Research Sub-committee members agreed that the first research priority was to collect information about support orders and variation orders made on or after May 1, 1997. This project provides information about the early stages of implementation of the Guidelines. It will also provide for ongoing or periodic collection of information from the courts until the end of March 2002.

This interim report summarizes the findings of phase 2 of the project, which began in the fall of 1998. The report is divided into two parts. Part 1 describes the processing of divorce cases involving child support orders, and documents issues related to the process at different sites involved in the project. Part 2 presents the results of the analysis of the data collected from the fall of 1998 through March 16, 2000.

General observations derived from the information presented in Part 1 are as follows.

Progress Towards Full Implementation

Based on site visits and follow-up telephone interviews, it is clear that court staff at the study sites are strongly committed to full implementation of the Guidelines. While the variation in the rate of change from site to site makes it difficult to study the implementation of the Guidelines, such variation also creates a natural experiment from which to draw valuable information.

Variations in the Process

Although all divorces in Canada are governed by the *Divorce Act*, and there are fundamental similarities in the divorce process across Canada, the report documents a range of approaches and programs for providing information that can affect how a couple may experience the divorce process, as well as variation in access to legal advice and administrative procedures that can help or hinder divorcing couples during the process. Further, the report highlights the importance of administrative supports in ensuring consistent treatment of spouses and children. These factors

vary between study sites and within some jurisdictions. Therefore, the processing of divorce cases varies significantly in different parts of the country.

Importance of Standardized Administrative Procedures

The report documents the value of using standardized administrative procedures in implementing the Guidelines. Particularly important is the use of standardized court order forms to collect and list Guidelines information. In locations where standard procedures and forms have been implemented, use of the Guidelines is virtually universal.

Importance of Having Judges Commit to the Process

In locations where key judges actively support the Guidelines, implementation seems to be occurring faster. Practice directives from Chief Judges seem to be very effective in supporting the use of the Guidelines. The trend toward the implementation of unified family courts also seems to contribute to adoption of the Guidelines.

Highlights of the interim findings of phase 2 data are as follows.

Case Characteristics

- A total of 14,067 cases were analyzed for this report.
- The majority of orders (79.9 percent) were interim or final divorce orders or judgments, and 16.3 percent were interim or final variation orders.
- The disposition of the majority of cases was by consent or uncontested (86.8 percent); 12.2 percent of cases were reported as contested.
- The majority of cases reported legal representation for at least one parent (87.5 percent); mothers had legal representation in 76.3 percent of cases, and fathers in 63.3 percent of cases. Both parents had legal representation in 51.4 percent of the total cases.
- The most frequent type of access reported was "reasonable/liberal" (51.5 percent), followed by "scheduled/specified" (23.1 percent).
- In 10 percent of the cases, a spousal support amount was designated, usually payable monthly.
- The majority of cases involved either one child (39.9 percent) or two children (44.4 percent).
- A total of 2,459 children over the age of majority from 1,992 cases were reported.
- In the majority of cases (80.4 percent), the mother had sole custody; the father had sole custody in 8.6 percent of cases. Shared custody (a child spends at least 40 percent of the time with each parent) and split custody (one or more children have primary residence with the

mother and one or more children have primary residence with the father) were relatively infrequent at 5.3 percent and 5 percent, respectively.

Child Support Awards and Paying Parent Incomes

- Data were available on monthly child support award amounts for 11,118 cases, representing 79 percent of the total. For all cases, child support amounts ranged from $1 through $8,366 per month, with a median value of $424.

- In 55.6 percent of cases, the file indicated that the Child Support Guidelines were followed in determining the child support amount awarded. The second most frequently reported method for determining child support was a prior order or agreement that had dealt with child support (9.4 percent).

- When total child support award amounts were examined in relation to the recorded amount from the Child Support Guidelines tables as provided in the order/judgment, the majority of awards were either the same as (65 percent) or greater than (29.6 percent) the table amount. Only 5.4 percent of cases reported award amounts that were less than the table amounts.

- Annual income for the paying parent was specified in 75.8 percent of cases and ranged from $144 through $5,817,800, with a median income of $35,533. Annual income of receiving parents was specified in 43.8 percent of cases, and ranged from $333 through $2,568,900, with a median of $24,600.

- When the amounts of child support awards were examined in relation to the income of the paying parents, the results indicated a steady increase in child support awards as paying parents' income increased.

Special or Extraordinary Expenses: Section 7

- In the total sample, 31.4 percent of cases indicated that special or extraordinary expenses were awarded.

- Of the cases that specified the monthly amount of the paying parent's share of special or extraordinary expenses, the total amounts ranged from $2 to $1,500, with a median amount of $108.

- The most commonly awarded type of expense was child/day care expenses (12 percent of total cases). This was followed by medical/dental insurance premiums at 11.1 percent, and extracurricular activities expenses at 10.2 percent.

- There was a strong tendency for the proportion of cases awarded support for special or extraordinary expenses to increase as income level increased. At the lowest income level, only 13.7 percent of cases were awarded compensation for special expenses; this proportion increased to 45.7 percent in the middle income range ($45,000–59,999) and to 53.2 percent at the highest income level.

- The amount of special expenses awarded consistently increased as income levels increased.

Undue Hardship: Section 10

- Undue hardship applications were identified in only 0.7 percent of the total cases in the sample.

- Of the 94 undue hardship applications brought by the paying parent, 63 resulted in a decrease of the Guidelines amount, 19 were denied, and none resulted in an order amount higher than the Guidelines amount. The outcome of 12 applications was unknown or missing.

- Of the eight undue hardship applications by the receiving parent, one resulted in an increase of the Guidelines amount, three were denied, and one resulted in an order that was less than the Guidelines amount. The outcome was unknown in three cases.

Variations

- In 48.5 percent of variation cases, the applicant was the receiving parent. The paying parent was the applicant in 44.6 percent of variation cases, and in 6.9 percent of cases, parents were cross-applicants.

- Of the cases in which a reason for the variation application was given, the most common reason was the implementation of the Guidelines (26.4 percent). This was followed by "change of income" (11.2 percent), "change in custody" (9.9 percent), and "child independent" (5.5 percent).

- Of variation applications brought by the receiving parent, 51.5 percent resulted in an increase of the face-value amount, 21.5 percent resulted in a decrease, 2 percent resulted in a termination order, and 6 percent were denied.

- Of variation applications brought by the paying parent, 10.7 percent resulted in an increase of the face value amount, 59.7 percent resulted in a decrease of the face value amount, 13.6 percent resulted in a termination order, and 2.6 percent were denied.

1.0 INTRODUCTION

In 1990, the Federal-Provincial-Territorial Family Law Committee began a study to address widespread dissatisfaction about the determination of child support. On behalf of the Committee, the Department of Justice Canada undertook a four-year program of research to help develop guidelines for determining child support amounts awarded in cases of family breakdown.

On March 6, 1996, the federal government announced its policy intentions regarding child support. The four initiatives announced were as follows:

- to implement the Federal Child Support Guidelines;
- to change the tax treatment of child support;
- to improve the enforcement of support orders; and
- to increase the allowance to working low-income families through the Working Income Supplement (WIS).

On May 1, 1997, the Federal Child Support Guidelines came into effect with the amendments to the *Divorce Act*. (The amendments to the *Income Tax Act* concerning the tax treatment of child support payments took effect on that same date.) The amendments to the *Divorce Act* require the Minister of Justice to review the operation of the Guidelines and report to Parliament before May 1, 2002. The program of research of the Department of Justice Canada must provide data to allow a comprehensive review of the provisions and operations of the Guidelines.

The Federal-Provincial-Territorial Task Force on Implementation of the Child Support Reforms established a Research and Evaluation Sub-committee to help develop the comprehensive program of socio-legal research to support the review required by the 1997 *Divorce Act* amendments. Given the profound change in the way award amounts are calculated under the Guidelines, the Task Force and the Research Sub-committee members agreed that the first research priority was to collect information about support orders and variation orders made on or after May 1, 1997. This project is providing some early indications about the implementation of the Guidelines, and provide for ongoing or periodic collection of information from the courts until the end of March 2002.

Phase 1 of this project began in December 1997 and ended in October 1998. This pilot phase consisted of three tasks. Task 1 was managing the initial phase of the data collection process. Task 2 was to manage and prepare data received from participating courts into a computerized database. Task 3 was to analyze the collected data. The Canadian Research Institute for Law and the Family (CRILF) was contracted to complete tasks 1 and 3.

This report summarizes the interim findings from phase 2 of the project, which began in the fall of 1998. The report is divided into two parts. Part 1 describes the processing of divorce cases involving child support orders and documents issues related to that process at the different sites involved in the project. Part 2 presents the results of the analysis of the data collected from the fall of 1998 through March 16, 2000. Data were collected at each participating site on all divorce cases involving children.

PART 1: DIVORCE AND THE PROCESSING OF CHILD SUPPORT ORDERS

2.0 INTRODUCTION

2.1 Study Approach

The information in this part of the report was obtained from a variety of sources. These sources include site visits, telephone interviews and written materials provided by the various jurisdictions. The following court sites were involved in the study:

- St. John's, Newfoundland;
- Charlottetown and Summerside, Prince Edward Island;
- Halifax, New Glasgow, Sydney, Truro and Yarmouth, Nova Scotia;
- Fredericton, New Brunswick;
- Ottawa, Toronto and London, Ontario;
- Winnipeg, Manitoba;
- Saskatoon and Regina, Saskatchewan;
- Edmonton and Calgary, Alberta;
- Victoria, British Columbia;
- Yellowknife, Northwest Territories; and
- Whitehorse, Yukon.

As Quebec's system of determining child support awards differs from that of other Canadian jurisdictions, a separate study was designed to collect and analyze its data. Therefore, there are no Quebec data in this report.

This part of the report presents a brief overview of the study sites as of July 2000. Section 3.0 discusses the type of court structure and the provincial or territorial legislation related to divorce and child support. Section 4.0 provides a detailed description of the process of granting a divorce and related matters such as child support. Section 5.0 presents issues related to the administration of divorce and child support orders, and discusses similarities and differences among the sites.

2.2 Limitations of the Study

The findings presented in this part of the report are subject to limitations. A major limitation is the variation in the sources and amounts of information available in different localities. Another is caused by constantly changing circumstances with regard to child support.

All of the sites involved in this study have taken some steps towards formally implementing the Federal Child Support Guidelines. However, some procedures, policies and practices are still evolving. Different sites are at different stages in implementing the Guidelines, and the approach at any given site is often unique. This limits our ability to directly compare the sites and suggests that the picture we have of any one site may not be valid for very long. The information contained in Part 1 represents the situation in most sites as of July 2000. In some cases, information after July 2000 was available and is included.

3.0 LEGAL CONTEXT OF DIVORCE AND IMPLEMENTATION OF THE FEDERAL CHILD SUPPORT GUIDELINES

Court systems that handle legal action regarding divorce and child support vary depending on the jurisdiction. These systems can be broadly identified as either a two-tiered system or a unified family court system.

In the traditional two-tiered system, matters under the federal *Divorce Act* are addressed in Superior Court by a federally appointed judge (*Constitution Act*, section 91). The Superior Court judge hears divorce actions and related corollary relief matters (including child support, spousal support, and custody or access) and may also address property issues under provincial or territorial legislation. In a two-tiered system, a provincial or territorial court judge may also deal with child support, spousal support, and custody or access if they are not part of the divorce proceedings. However, the provincial or territorial court judge may not deal with property issues.

In a unified family court, the judge hears all family-related matters, whether under provincial, territorial or federal legislation.

3.1 Types of Courts

As Table 3.1 shows, as of July 2000, New Glasgow, Truro and Yarmouth, Toronto, Edmonton, Calgary, Victoria, Yellowknife and Whitehorse had a two-tiered court system. In contrast, St. John's, Halifax, Sydney, Summerside, Charlottetown, Fredericton, Ottawa, London, Winnipeg, Regina and Saskatoon had a unified family court system.

Table 3.1: Types of Courts and Court Titles by Study Site (as of July 2000)

Study Site	Two-tier system	Unified family court	Courts dealing with matters under the *Divorce Act*
St. John's, Nfld.		X	Supreme Court Trial Division
Halifax and Sydney, N.S.		X	Family Division, Supreme Court of Nova Scotia
Other sites, N.S.	X		Supreme Court of Nova Scotia
All Sites, P.E.I.		X	Supreme Court of Prince Edward Island
Fredericton, N.B.		X	Court of Queen's Bench, Family Division
Ottawa, Ont.		X	Superior Court of Justice, Family Court
Toronto, Ont.	X		Superior Court of Justice
London, Ont.		X	Superior Court of Justice, Family Court
Winnipeg, Man.		X	Court of Queen's Bench, Family Division
Regina and Saskatoon, Sask.	X	X	Court of Queen's Bench, Family Law Division
Edmonton and Calgary, Alta.	X		Court of Queen's Bench
Victoria, B.C.	X		Supreme Court, Province of British Columbia
Yellowknife, N.W.T.	X		Supreme Court of Northwest Territories
Whitehorse, Yukon	X		Supreme Court of Yukon

3.2 Provincial and Territorial Legislation and Practice

In addition to the type of court, provincial and territorial legislation and judicial practice affect the process of divorce and use of the Guidelines. As of July 2000, most provinces and the Yukon had enacted legislation adopting the Guidelines for use in proceedings under provincial or territorial legislation. Quebec has enacted legislation adopting its own guidelines, which use a different model and apply to proceedings under both the federal *Divorce Act* and provincial legislation. Only Alberta has not yet given a clear indication whether it will adopt the Federal Child Support Guidelines for use in proceedings under provincial legislation. If a province or territory has drafted its own child support guidelines and the federal government has designated them, the only time they do not apply in cases of divorce is when the parents live in different jurisdictions.

The importance of judicial practice in encouraging the use of the Federal Child Support Guidelines should not be overlooked. Although Alberta has not formally enacted legislation to adopt the Guidelines for child support cases that do not involve divorce, most provincial Family Court and Queen's Bench judges appear to be using the Guidelines to deal with child support applications under provincial law. In the Alberta Court of Queen's Bench, this can be attributed to a practice directive from the Chief Justice requiring that the Child Support Information and Data Sheets (required Guideline forms) be submitted with all child support applications.

Paragraph 11(1)(b) of the *Divorce Act* requires that the judge, before granting a divorce, must "satisfy itself that reasonable arrangements have been made for the support of any children of the marriage, having regard to the applicable guidelines." However, it is difficult to determine how actively judges scrutinize child support arrangements in situations involving consent agreements or uncontested applications. In Edmonton and Calgary, Family Law Information Centre staff must review all orders involving child support in all uncontested cases of divorce ("desk divorces"), as well as all applications (consent or contested) brought by unrepresented parties. In Edmonton, staff also review consent orders filed by lawyers.

Most jurisdictions require financial statements in contested divorce cases involving children. The legal requirement is usually established by the Rules of Court or Practice Rule.[1] Only Prince Edward Island and Newfoundland require filing of financial statements for child support applications pursuant to the *Family Law Act* in their province, and the Northwest Territories is considering this. In the Northwest Territories, practice directives require the use of financial statements. Under the Yukon divorce rules, financial statements must be filed if there are children of the marriage. In Manitoba, financial statements must be filed when a petition is filed if support is requested. Only in Alberta must the Child Support Information and Data Sheets (which include forms for determining income for the purposes of the Guidelines and the calculation of child support under the Guidelines) be filed in all cases to allow scrutiny of consent orders and uncontested desk divorce applications. In Ontario, financial statements are now required with the application in all cases requesting support or equalization of net family property (under the court rules). At many sites, it does not appear that financial statements are always required in cases involving consent agreements or orders, or uncontested applications.

4.0 PROCESS OF DIVORCE AND ANCILLARY MATTERS

The process of divorce can be divided into three general stages:

- marriage breakdown;
- a pre-petition stage; and
- the divorce proceeding.

Each of these stages involves a series of decisions on the part of one or both spouses. The divorce can be completed rapidly or can take years if the parties separate and take no further action until one party wants to remarry.

Figure 4.1 provides a model of the divorce process. This model is general enough to accommodate most variations in how divorce cases are handled across Canada. In section 5.0 we will see how various factors, which differ in the jurisdictions involved in this study, affect the general process.

---

[1] In Alberta, the Rules of Court and Practice Notes provide for the filing and serving of a Notice to Disclose. The practice of the Court is to strictly enforce the remedies, including costs, in the event of non-compliance.

4.1 Marriage Breakdown

The *Divorce Act*, which governs the process of divorce in Canada, provides that the basis for divorce is a "breakdown of the marriage." Breakdown is established when one or more of the following occurs:

- the spouses have separated and lived apart for at least one year;
- the respondent spouse committed adultery; or
- the respondent spouse has inflicted physical or mental cruelty on the other spouse.

As Figure 4.1 indicates, the divorce process begins with marriage breakdown occurring for any number of reasons. However, at the petition stage, one of the three indications of breakdown of marriage must be used as the grounds for divorce.

4.2 Pre-petition Stage

The pre-petition process may involve several stages and decisions. Actions taken at this early stage set the framework for subsequent decisions. During the separation, couples often resolve many of the legal issues related to their marriage breakdown by separation agreements or interim court orders that are later incorporated into the final divorce order.

When marital problems arise, the couple may try some form of marriage counselling to resolve their problems, or may work on their problems on their own. If either approach is successful, the marriage may continue. Alternatively, the couple may find that the issues cannot be resolved, or that one or both no longer wish to try to resolve them. At this point, there is likely to be a physical separation.

Once a couple decides to separate, they must then decide whether to take further action.[2] If the couple is childless and has no significant property issues, the husband and wife may simply go their own ways. Often no formal action is taken unless a separated spouse wishes to remarry, which may occur years later.

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[2] In Canada, a couple may live "separate and apart" in the same residence if they cease to live as a "family unit," suspending sexual, economic and social ties. However, this is very rare.

Figure 4.1: The Process of Divorce

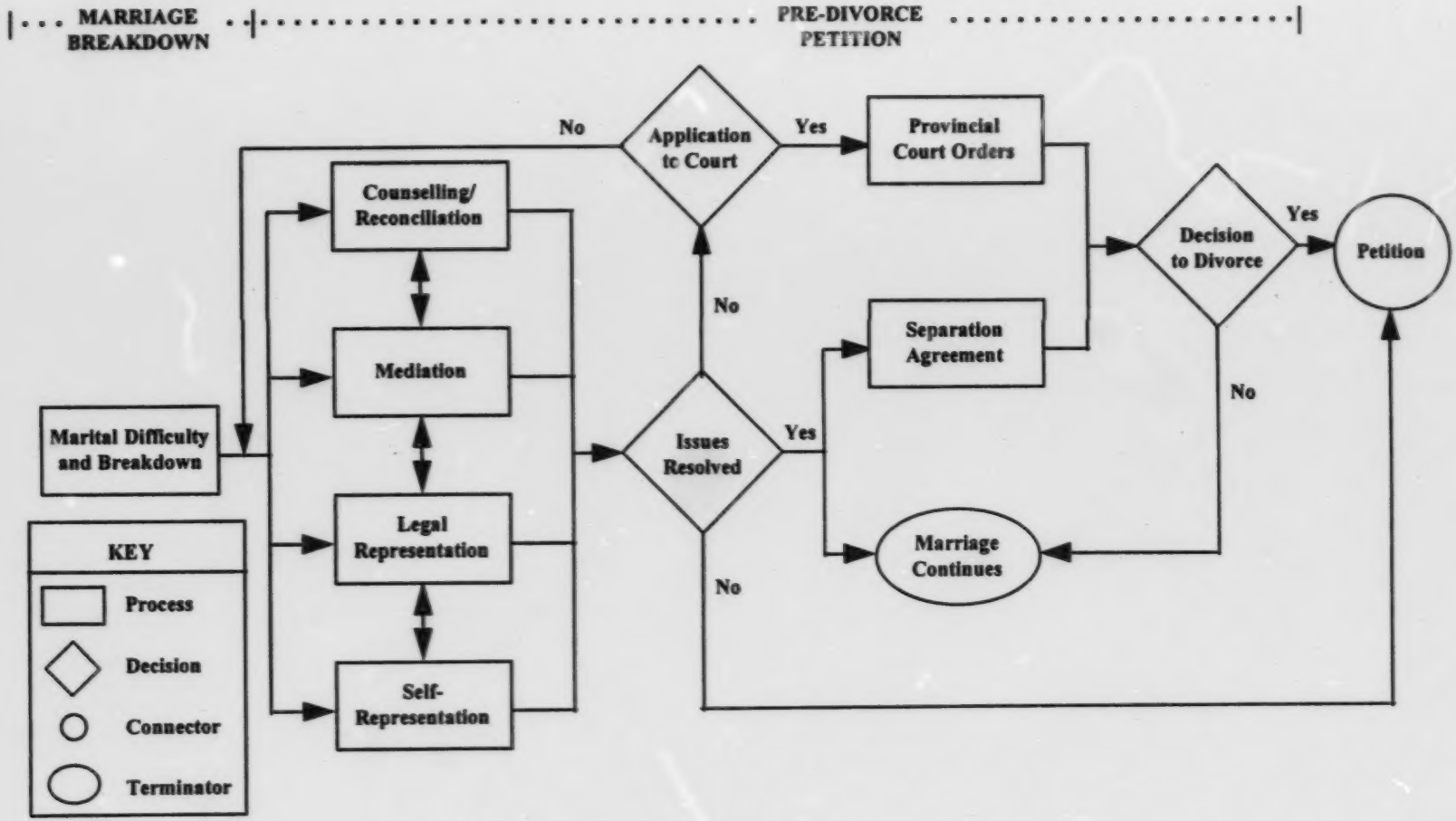
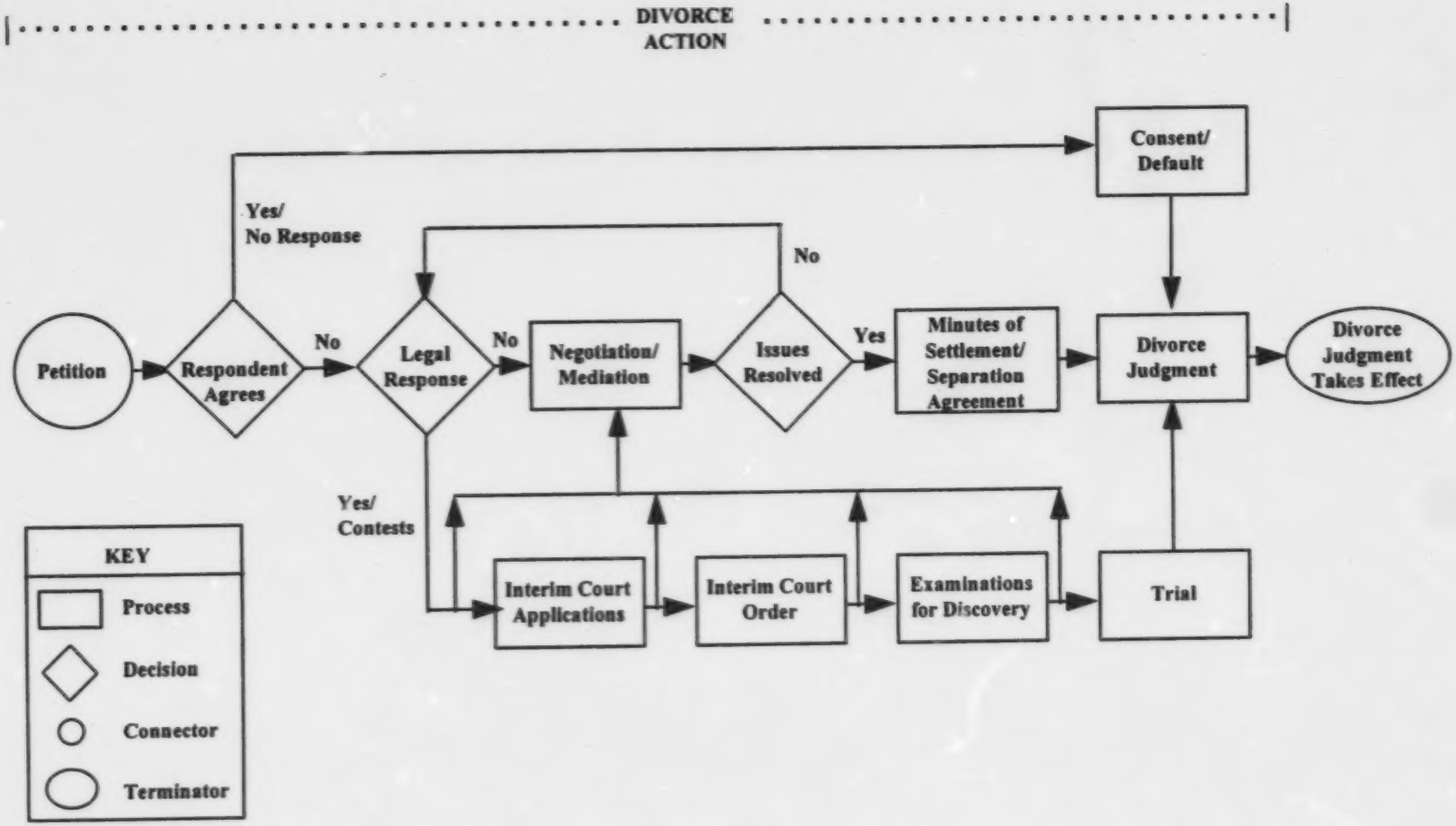


Figure 4.1: The Process of Divorce (continued)



Even when the separation is relatively amicable, the parties may wish to formalize the details of the separation. This is especially true when children, substantial assets or significant debts are involved, or when one spouse requires financial support from the other for him or herself or the children of the marriage. At this point, one or both may consult a lawyer. A family court counsellor, a court conciliator or a mediator may also be consulted. Occasionally, information or advice obtained at this stage results in an attempt at reconciliation. In fact, section 9 of the *Divorce Act* requires legal advisors to discuss the possibility of reconciliation with their clients and advise them about reconciliation support services.

If reconciliation is not possible but the couple can agree on the resolution of all issues, a separation agreement will usually be prepared. Each spouse is advised to obtain independent legal advice before signing such an agreement. Agreements are often negotiated between the two lawyers. If an agreement is not reached, the lawyers may refer the couple to a mediator who tries to assist the spouses in reaching an agreement regarding one or more issues. Sometimes mediation will deal with only one issue, such as access, while in other cases mediation may be "comprehensive" and deal with all the issues. Some separated spouses consult a mediator before seeing lawyers. If mediation results in an agreement, the parties should be referred to lawyers for independent legal advice before signing the agreement. If the agreement has been signed, the parties may begin divorce proceedings immediately or they may do nothing further until one or the other wishes to divorce to allow, for example, remarriage.

If the parties cannot agree, applications can be made to the court to resolve the various issues between them. Each province and territory has legislation permitting the courts to deal with issues of custody, child support, spousal support, possession of the matrimonial home and division of property. Sometimes a court order under provincial or territorial legislation resolves all the issues between the parties, and the terms of the order can be incorporated into a separation agreement. The separated parties may then choose to do nothing further unless one of them wishes to remarry. Alternatively, if the issues are not resolved at this stage, one or both parties may wish to file a petition for divorce.

If the separation took place unilaterally, one or both spouses often seek legal advice immediately. An application may be made to the court for an interim order dealing with custody, support and possession of the home even before negotiations begin. Sometimes, a spouse may have sought legal advice prior to separation and may initiate interim court proceedings immediately upon separation.

In the majority of cases, the parties proceed with a legal divorce. There may be one or more court orders or consent orders, a separation agreement, or only a verbal understanding between the parties prior to the filing of a divorce petition.

4.3 Divorce Proceeding

Divorce proceedings technically commence when one or both spouses (joint petition) file a petition (or application) with the court. The petition usually describes the length of the marriage, the legal grounds for seeking the divorce, the income and assets of the applicant spouse, and the children of the marriage. Orders for custody and support of the children and spousal support are also proposed. Applications for property division, which are governed by provincial or territorial

statutes, are often joined with the divorce petition. Some provincial or territorial rules require an application for property division to be made in separate documents, but permit it to be heard at the same time as the divorce petition. Other jurisdictions' rules permit property claims to be included directly in the divorce petition. Occasionally, an application for property division has already been made and decided before the divorce proceedings begin.

In all jurisdictions, spouses may file a petition before a one-year separation is completed, though the divorce may not be granted until after one year of separation, if that is the grounds for divorce. Once the petition has been filed in court, it must be served on the respondent. The respondent then has a specified time in which to answer the petition.[3] If the parties have already entered into a separation agreement and the order requested in the petition incorporates the terms of the agreement, a response is usually not filed. Similarly, when the respondent agrees with the petition (or does not wish to actively contest it), a response is not filed, even if there are no previous orders or agreements. This type of divorce is referred to as "uncontested."[4] In most jurisdictions, the petition may then proceed without an oral hearing. A judge reviews the documents and makes a divorce judgment. If neither party appeals the divorce judgment, it takes effect in 31 days. If there is an order regarding matters such as child support, custody and access as part of the judgment, this part of the judgment may take effect immediately.

If the respondent files a legal response to the petition, then the petitioner is in turn given an opportunity to respond to that. Negotiations often take place at this point and mediation or other forms of alternative dispute resolution may also occur.[5] If the issues in dispute can be resolved, "minutes of settlement" or a separation agreement may be drawn up or the parties may agree to the terms of the orders to be included in the divorce judgment, and the divorce will proceed as if it were uncontested. A respondent may wish to attempt negotiations before filing a response. If negotiations are successful, any resulting written document is usually called a separation agreement (or minutes of settlement). If issues are not resolved, an answer is filed and the divorce is then contested.

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[3] There are provisions for a "substitute service" (e.g. publication of a newspaper notice) in cases when a respondent cannot be located.

[4] In Alberta, the respondent will often file a Demand of Notice when the divorce is not contested. This is not a defence, but a response that ensures that he or she is notified of every application.

[5] In Saskatchewan, after the parties have indicated that they are ready to proceed to trial, a pre-trial hearing conducted by a judge of the Court of Queen's Bench (who will not be the trial judge) must be held. This hearing is attended by the parties and their counsel. Its purpose is to mediate a settlement or, if this cannot be done, to obtain agreement on as many issues as possible in order to reduce the length of the trial. Pre-trial conferences are also held in St. John's, Nova Scotia, Manitoba, Alberta, and at some locations in Ontario. In Ontario, a new set of Family Court rules came into force in all unified family court jurisdictions (also in all provincial courts) in the fall of 1999. The new rules introduce a system of judicial case management for all family cases. Under the new rules, the parties involved in contested cases are required to take part in three types of pre-trial conferences: (1) a case conference; (2) a settlement conference; and (3) a trial conference. The rules require that a case conference be held in every case; a settlement conference must be held before the case can be placed on the trial list; and a trial management conference is required only when requested or ordered by the judge (intended for long, complex trials). The parties must attend all conferences in person. In Yukon, a pre-trial conference or settlement conference is available and usually is used if the parties are represented by counsel.

If issues cannot be quickly resolved, it may be necessary to apply for interim orders for matters such as custody, child and spousal support, or possession of the matrimonial home, especially if the divorce proceedings are likely to be lengthy or if there is a need for financial support (which is usually the case if there are children). In urgent cases, for example when there are spousal abuse issues, there may be an urgent (*ex parte*) interim hearing scheduled without notice to the other party; such an order may be reviewed.

Examinations for discovery will be held to provide each side with an opportunity to examine the other party under oath in preparation for trial;[6] each spouse is questioned by the other's lawyer for this purpose. If there is a dispute regarding custody or access to the children, an assessment by a psychiatrist, psychologist or social worker may also be done. As an assessment and examinations for discovery proceed, or more typically after they are completed, negotiations may begin or continue and minutes of settlement or a separation agreement may result and the divorce may proceed as if it were uncontested. If the parties enter into a separation agreement at any point, they may file a document with the court indicating that it will proceed by consent, which in most jurisdictions does not require an oral hearing for a divorce to be granted.

Failure of negotiations after examination for discovery usually results in a trial, where each party presents evidence on each of the issues in dispute. The final decision is made by the judge. The judge's rulings on child support and other issues are included in the divorce order and, if no appeal is filed, the divorce takes effect 31 days later.

5.0 FACTORS AFFECTING CASE PROCESSING

A number of factors may affect the process of divorce and the determining of child support in Canada. These factors, related to the broader issues of information, advice and administration of proceedings, vary considerably from area to area in this study, and they are analyzed here.

5.1 Information on Separation and Divorce

The amount, source and accessibility of basic information for the public regarding divorce and child support varies across the study sites.

Public Information Services

In addition to the information packages on the Federal Child Support Guidelines and other materials provided by the federal government for distribution by the provincial and territorial governments, information has been provided directly at most sites to the public by the specialized child support units or indirectly through local public legal education groups. Public information meetings about the divorce process have been held in Winnipeg, Edmonton, Yellowknife and Whitehorse, and throughout New Brunswick, Saskatchewan and Ontario. These information services, for the most part, are provided by public legal education programs or designated professionals; however, in Saskatchewan public education is provided by Saskatchewan Justice (see sections 5.2 and 5.4 below).

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[6] In the unified family courts in Ontario, examinations for discovery can only be conducted with leave of the court.

Divorce kits with standard forms, which include child support information, are almost universally available. In many jurisdictions they are provided by the public legal education groups; in others they are developed and sold by private bodies. For example, in St. John's, Newfoundland, they are sold by the Women's Centre, whereas in Ontario, Alberta and British Columbia they are sold by private companies and are available at stationery stores. In Nova Scotia, these kits are being updated by the Public Legal Education Association of Nova Scotia with court services funding, and in New Brunswick the Public Legal and Information Service has developed both a *Guide to Doing Your Own Divorce* and a Child Support Variation Kit. It appears that many of the kits prepared by private companies have been updated to include information on the Guidelines. Most of those prepared by court services or non-governmental agencies also have been updated. The divorce self-help kit in Saskatchewan has been updated to include the Guidelines and is available for $25 at Court of Queen's Bench locations. As part of the Child Support Guidelines initiative, Saskatchewan Justice and British Columbia developed a free variation kit to help parents vary their child support orders without counsel. In Ontario, the Ministry of the Attorney General developed and distributes divorce guides to procedure for the unified family court. Alberta has developed packages of information and forms to be used by unrepresented parties to vary child support orders. There are packages that deal with various combinations of applications that include child support ($8 each) and one general information package that is free of charge.

A number of the sites have information telephone numbers. However, these differ in various ways. In Prince Edward Island, a nominal fee is charged for use of a law information line, and the clients can be given both information and a referral to a lawyer. In Alberta, there is a toll-free Dial-a-Law and Lawyer Referral line that provides the public with both information and a referral to three lawyers specializing in particular matters. These lawyers give up to 30 minutes of free consultation through this referral service before requiring a private retainer. The Faculty of Law at the University of Alberta offers divorce clinics through their Student Legal Services. These services are available only to those who have settled all of the corollary relief issues. There are also income guidelines similar to Legal Aid. In Calgary, divorce clinics are offered by lawyers on a *pro bono* basis through Calgary Legal Guidance; however, there is a small fee for attending. Ontario's Law Society of Upper Canada operates a lawyer referral service that the public can call to obtain referral to a lawyer. There is a $6 charge for each call to the service, unless the person is in a "crisis" situation (e.g. domestic violence, incarceration), in which case the call is free. The referred lawyer will provide up to 30 minutes of free legal advice.

In Manitoba, the Community Legal Education Association operates lawyer referral lines and legal information lines staffed by paid lawyers. In Yellowknife, the law lines are free but they operate mainly as a referral system and are staffed by volunteer lawyers. Saskatchewan and New Brunswick have telephone lines that provide information to the public about the Guidelines. The lawyer referral line in Saskatchewan provides information and advice for a nominal fee on family law issues, including those related to child support. The Saskatchewan Law Society operates the lawyer referral line and invoices Saskatchewan Justice for any child support inquiries. In Whitehorse, the law line is accessible to all Yukon communities and is staffed by one full-time lawyer. In British Columbia, a toll-free line of taped information on the Guidelines is available, and the British Columbia Branch of the Canadian Bar Association operates a lawyer referral service (with half an hour of a lawyer's services for $10).

5.2 Child Support Guidelines Resources

All of the study sites have designated staff to provide services relating to the Guidelines. Most of these positions are jointly funded by the province or territory and the Department of Justice Canada. However, the services provided and how they are delivered vary. Three types of service provision models can be identified as follows:

- services provided as part of court services offices;
- services provided through partnerships with other agencies; and
- services provided by distinct units or programs.

Services Provided Through Court Services Offices

In most sites, court services staff provide information on child support. Nine provincial or territorial jurisdictions have implemented this type of model (represented in this study by Halifax, Charlottetown, Fredericton, Toronto, Ottawa, London, Regina, Saskatoon, Whitehorse and Yellowknife). In this model, one to five staff members are dedicated to work out of the court services office. While they vary across jurisdictions, staff functions include providing information to the public through general advertising, mail-outs, information sessions and telephone information lines, as well as providing information to individuals on request. In some jurisdictions, such as Nova Scotia and Prince Edward Island the staff may also provide information directly to the court, Legal Aid and duty counsel. In Charlottetown, the child support officer prepares the final draft of the court order when the parties are not represented. In Saskatchewan, a toll-free telephone line provides access to staff who offer information and mail-outs, and also organize parent education sessions for the public. These staff are part of Family Law Support Services, a branch of Court Services. In New Brunswick, Family Court social workers provide counselling and information to individuals going through separation and divorce, including providing information on the Guidelines.

In Ontario in 1999, Family Law Information Centres were established in 17 unified family court sites and in Toronto. They will be expanded to non-unified family court sites in the rest of the province in 2000-01. The centres contain brochures, videos and other information and resource material on family law. Court staff assists clients in the centre by providing information, particularly on court procedure. Legal Aid advice lawyers are available to provide summary legal advice. In the unified family courts, social workers employed by the court-connected mediation services provide detailed information about alternative dispute resolution options and community resources.

At two sites, government staff outside the court also deal with child support. In Prince Edward Island, two family support order program workers at the social assistance office are mandated to help clients on social assistance deal with issues regarding the Guidelines. In Yellowknife, a worker at the Maintenance Enforcement Office provides information and variation packages to the public.

Services Provided Through Other Agencies

In Newfoundland and New Brunswick, information regarding the Guidelines is provided through partnership with other agencies. In Newfoundland, the departments of Justice and Human Resources and Employment jointly fund 11 support application workers across the province. The workers provide assistance to clients of Social Services, which are involved in child support issues and help the general public obtain or vary child support orders.

In New Brunswick, no offices specifically handle issues related to the Guidelines. However, in addition to the court-based services discussed above, a toll-free line available to the public for child support information is provided in partnership with the Public Legal Education and Information Service of New Brunswick.

In British Columbia, Family Justice counsellors who work in Family Justice Centres not located in the court house, provide mediation services for parents, with preference being given to low-income families. Also, the Ministry of Social Development and Economic Security operates the Family Maintenance Program, which obtains child support orders on behalf of custodial parents who have assigned their rights to child support to the Crown.

Specialized Child Support Units

Winnipeg, Edmonton, Calgary and British Columbia have specialized child support units. These units vary considerably in their structure and functions.

In Winnipeg, the Child Support Guidelines Centre provides parent education services for separating and divorcing parents, as well as a Comprehensive Co-mediation and Mediation Internship Program, which provides an alternative to court action and an opportunity for professionals with appropriate mediation education to obtain practical mediation experience under the supervision of program specialists.

Edmonton and Calgary have Family Law Information Centres (FLIC) (name changed July 1, 2000 from Child Support Centres) located at the Court of Queen's Bench. The centres have two primary roles. The first is to assist the public, the legal community and affiliated service agencies by providing information and material about the Guidelines and the court process. The centres have developed various booklets on court procedures and legal rights to assist unrepresented parties with their Queen's Bench child support applications. The centres have also developed court procedure booklets for Queen's Bench family law applications dealing with such issues as custody and access, spousal support, arrears or stay of enforcement and restraining orders. An unrepresented party must have their Child Support Information and Data Sheets (financial disclosure and child support calculations) reviewed by the centre before they are permitted to file a contested child support application. The second role is to assist the courts. The centres assist the judges by providing legal research and consultation on specific issues pertaining to the Guidelines and family matters. They provide computer training on child support programs, and make staff available during Family Chambers. They also review all applications for consent orders for child support and desk divorces involving children prior to their submission to the judiciary (whether submitted by lawyers or by unrepresented parties), with respect to calculations under the Guidelines, compliance with the information requirements in section 13 of the Guidelines and the Alberta Rules of Court, and the consistency and

completeness of supporting materials and financial disclosure. The Edmonton and Calgary FLICs also provide training and information sessions on the Guidelines, provide training and information sessions on the review procedures for child support applications, and act as friend of the Court for Queen's Bench confirmation hearings, which confirm child support orders made in another jurisdiction in cases when one of the parents does not live in Alberta.

In British Columbia, child support clerks are located in Family Justice Centres in three centres. These clerks provide information to parents about the Guidelines, as well as dispute resolution options, and can help unrepresented parents prepare court documents for child support applications. Preference is given to low-income parents appearing in Provincial Court.

5.3 Advice

There is an important distinction between providing legal information and giving legal advice, although in practice this distinction may be hard to make. Only lawyers should give legal advice about a specific situation, and it should be directed to a particular client in the context of a professional relationship. It appears that most parties involved in divorces obtain legal advice at some point in the process. This includes privately retained counsel as well as lawyers paid by Legal Aid. Others may obtain some legal advice through telephone consultations, usually referred to as "law lines."

Legal Aid has changed considerably in the last several years, and in the majority of jurisdictions Legal Aid resources are not available to those involved in family law disputes. While Legal Aid is still available for restricted purposes in many areas, it is usually not available for divorce proceedings. Legal Aid is often available only for family law cases involving violence, abuse or other criminal matters.

The site interviews indicated that Legal Aid in divorce or support cases is currently available in all cases for low-income persons in only three jurisdictions: Manitoba, Saskatchewan and the Northwest Territories. All of these locations perform "needs" testing to determine the financial means of their clients. In some areas in Newfoundland, Ontario, Alberta and British Columbia, Legal Aid is available for low-income persons in critical or urgent situations, such as those involving domestic violence. In Ontario, Legal Aid advice lawyers also provide summary legal advice (up to 20 minutes of general advice) to litigants through the Family Law Information Centres. In 1999, British Columbia Legal Aid coverage was extended to the variation of child support orders when the change in child support amount is expected to be at least $100 per month. In Nova Scotia and the Yukon, needs-tested Legal Aid is available to the point when the client files the divorce petition. Only in New Brunswick are Legal Aid services available to all recipients of child support without needs testing. Free mediation services are available, and for those for whom mediation is inappropriate, not possible or unsuccessful, legal representation services are provided. However, these services are available in family cases only until the client files a petition for divorce.

5.4 Education Programs for Separating Parents

While education programs for separating and divorcing parents are not formally linked to the Guidelines initiatives, most of these programs were established about the time that the Guidelines were being introduced. These programs provide information regarding the Guidelines and other issues to separating and divorcing parents. There is great interest across Canada in programs that provide parents with information about the effects of separation and divorce on their children, as well as information about legal issues such as child support. Currently, programs are operating in St. John's, Halifax, London, Ottawa,[7] Toronto and Whitehorse, and throughout Manitoba, Saskatchewan, Alberta and British Columbia. Programs are under development in several other sites. New Brunswick will be implementing a province-wide program starting in the fall of 2000.

Alberta and the Family Division of Nova Scotia are the only locations where the parenting education program is mandatory for all separating and divorcing parents prior to receiving a court order. In British Columbia, a pilot project for mandatory parent education was implemented in 1998 and sessions are now mandatory in several urban locations and voluntary in some rural areas. Parenting programs in other jurisdictions are optional. However, in all locations judges may require parents to take part in a parenting program as a condition of custody and access.

The content of the programs generally covers such topics as the following:

- stages of separation and divorce;
- effects of divorce on children;
- effects of divorce on parents;
- communication and relationship skills;
- information about other services, such as mediation and counselling; and
- legal issues, including child support.

Some programs, such as Alberta's "Parenting after Separation Seminars" and Manitoba's "For the Sake of the Children," have special sessions for parents involved in high conflict cases and cases when domestic violence is an issue.

Most courses take between three and six hours in two or three sessions and are conducted as group presentations varying from 10 participants to 75. In Nova Scotia the presenters are trained volunteers who have a professional background. In Saskatchewan, the facilitators for these sessions are from the Family Law Support Service Branch (Court Services) and Mediation

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[7] Programs in the Ottawa and London unified family courts, along with the other unified family courts in Ontario, focus on parenting issues rather than legal issues. Toronto's program covers both aspects.

Services of Saskatchewan Justice. In other provinces, the presenters are either salaried or paid on a fee-for-service basis.

Saskatchewan has also recognized that children experiencing separation and divorce could also be left confused, worried and unsure of their new family situation. To help children of separated and divorced families understand their situation, Saskatchewan Justice has worked with community agencies to make children's educational programs available. A curriculum writer was hired to develop an education curriculum for children experiencing separation and divorce. A facilitator's guide was produced for three age groups (6 to 9, 9 to 12 and 12 to 16). The program addresses the legal process of divorce and separation as well as the emotional experiences and changes in the family relationships. To be used with the education curriculum, or to be viewed on their own, Saskatchewan Justice also produced videos for children in the same age categories. The facilitator's manual and videos for children have been distributed to all provincial health boards, all young offender institutions in the province, all education districts, as well as libraries and community agencies.

In Ontario, all 17 unified family court sites offer voluntary parenting information sessions, which focus on the effects of separation and divorce on children. General information on family law is provided through the Family Law Information Centres at these sites. Toronto Superior Court has a mandatory information pilot program under way. The content of this program is more general since it provides a general overview of family law information, and includes a component that focusses on parenting issues.

5.5 Types of Divorce

Most divorces in Canada are uncontested and are granted without a personal appearance in court by either party. Uncontested divorces without a hearing are referred to as "paper divorces" in Nova Scotia and Saskatchewan, as "affidavit divorces" in New Brunswick, Prince Edward Island, Ontario and Manitoba, and as "desk divorces" in Alberta, British Columbia, Yukon and the Northwest Territories. Only in St. John's must the petitioner appear before a judge, even in an uncontested divorce, in what is known as a "forthwith divorce."

The other type of divorce found in all jurisdictions is a "trial divorce," which occurs when the granting of a divorce, or much more typically a corollary issue like child support, is contested. In Newfoundland, Manitoba and in a number of sites in Ontario, pre-trial settlement conferences are conducted by a judge (other than the one who will conduct the trial) using a number of different dispute resolution techniques to attempt to settle a case. In Alberta, pre-trial settlement conferences and mediation are also offered by judges.

A number of sites also identify a third type of divorce. These are called "oral hearings" in Ontario and Manitoba, and "chambers divorces" in Prince Edward Island, Saskatchewan, British Columbia, Yukon and the Northwest Territories.

5.6 Preparation of the Order

Once the judge makes a decision regarding the divorce and child support (called a Divorce Judgment in Figure 4.1), a written order must be prepared. In almost all the study locations, the

legal counsel for the petitioner or respondent is responsible for drafting the interim or final order, which is then usually checked by a clerk. At some sites (for example, St. John's, Halifax and Charlottetown), the clerk or child support officer prepares the interim or final order in cases where parties are not represented. In Whitehorse, the filing clerk ensures that specific pieces of information are included in the order.

Alberta appears to be the only jurisdiction where all forms of order for consent and uncontested desk applications (whether submitted by lawyers or unrepresented) are checked by FLIC staff or clerks of the court against the Guidelines in general and to ensure compliance with section 13 of the Guidelines. A summary of the review, or a review memo, is provided to the judge. This review memo includes advising the judge of any agreements to depart.

In more than half of the jurisdictions where legal counsel prepares the draft order, the time lag between the divorce judgment and the filing of the order (issued and entered) can often be lengthy, taking up to eight or nine months. However, regardless of how long it takes to get the order, the divorce judgment takes legal effect 31 days after the judge makes the order (unless an appeal is filed).

The language of the orders is also problematic. While some of the language of the Guidelines seems to have been readily adopted (such as sole and split custody), terms like *joint guardianship, joint custody* and *joint legal custody* simultaneously appear in orders. While these terms usually mean "joint decision making," their meaning is ambiguous.

Many sites have standard court order forms that have incorporated the requirements and language of the Guidelines (for example, St. John's, Alberta, Halifax and Saskatchewan). In Saskatchewan, the provincial *Family Maintenance Act* contains these forms. However, in the Family Law Division in Saskatchewan there is not a specific form, but there are practice directives issued. Other jurisdictions, such as Prince Edward Island and Manitoba, are revising order forms to incorporate the Guidelines. Manitoba has developed computerized court orders to standardize and speed up the production of final orders. A number of other jurisdictions have expressed an interest in Manitoba's model.

6.0 CONCLUSIONS

Given the qualitative nature of the information used to produce this part of the report and the limitations of the study (identified in section 2.2 above), it is difficult to draw firm conclusions. However, descriptions of the processes of divorce and child support orders across Canada lead us to some broad conclusions and some insight into what might be important for the successful implementation of the Federal Child Support Guidelines. Four general observations derived from the information in this report are briefly discussed below.

Progress Towards Full Implementation

Based on site visits and follow-up telephone interviews, it is clear that staff at the study sites are strongly committed to full implementation of the Guidelines. While the rapid change and the variation in the rate of change from jurisdiction to jurisdiction make it difficult to study the implementation of the Guidelines, such variation itself permits us to draw valuable information.

Jurisdictional Differences in the Process

All divorces in Canada are governed by the *Divorce Act*, and there is basically one general divorce process as described in Figure 4.1. However, the report highlights a number of issues related to the varying availability of information and legal services and the varying procedures that can affect how a couple may experience the divorce process. Further, the report highlights the importance of administrative supports (such as FLIC staff checking applications in Edmonton) to ensure consistent treatment of spouses and children. These factors vary among study locations and even within some jurisdictions. Therefore, the processing of divorce cases varies widely in different parts of the country.

More consistency in the treatment of cases involving children is one of the objectives of the Guidelines. How various aspects of the divorce process increase or decrease consistency should be an important component in any review of the Guidelines.

Importance of Administrative Procedures

This report documents the importance of using standardized administrative procedures in implementing the Guidelines. Particularly important is the use of standardized court order forms to collect and list Guidelines information. In locations where standard procedures and forms have been implemented, use of the Guidelines is virtually universal.

Importance of Having Judges Committed to the Process

At sites where key judges actively support the Guidelines, implementation seems to be occurring faster. Practice directives from Chief Judges seem to be very effective in supporting use of the Guidelines. The trend toward the implementation of unified family courts also seems to contribute to adoption of the Guidelines.

PART 2: INTERIM ANALYSES OF PHASE 2 OF THE SURVEY OF CHILD SUPPORT AWARDS

7.0 INTRODUCTION

7.1 Study Approach

This part of the report presents a summary of the interim analyses of the data collected for phase 2 of the Survey of Child Support Awards, and includes data entered into the database from the implementation of phase 2 in the fall of 1998 through March 16, 2000. Section 8.0 discusses the methods used to collect the data for phase 2. The findings are presented in section 9.0, and include descriptive analyses of the major data elements contained in the survey instrument and an analysis of factors related to child support awards. Appendix A contains a copy of the survey instrument and Appendix B contains the coding manual for the instrument.

8.0 METHODOLOGY

8.1 Research Design and Procedures

Following completion of the pilot phase of data collection for this project, a revised survey instrument was implemented that addressed several problems and issues identified during the pilot. As with the pilot survey on child support orders, the instrument used in phase 2 was designed to record at each participating site all court decisions under the *Divorce Act*[8] involving children.[9] Relevant data sources for completing the survey instrument included the following:

- all interim child support orders in divorce files;
- final divorce judgments that specifically incorporate separation agreements, minutes of settlement or previous court orders;
- final divorce judgments that are silent on child support even though children are involved;
- orders varying divorce judgments; and
- final divorce judgments that contain corollary relief orders.

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[8] *Divorce Act*, R.S.C. 1985 (2nd Supp.), c.3.

[9] Some sites have also collected data from cases proceeding under provincial legislation. For purposes of analysis, these cases have been omitted from this report.

In addition, it was discovered during the pilot phase that several other sources of relevant information for completing the survey instrument were available at certain court sites. The addition of an item on the revised instrument allows for the identification of the documents that were used to collect the data.

The unit of analysis for this project is the individual court decision, not the individual case. In other words, a divorce judgment involving child support for which a variation order is later made would be included as two separate cases in the database.

All provinces and territories except Quebec and Nunavut collected data included in this interim analysis in at least one site. As Quebec's system of determining child support awards is different from those in other Canadian jurisdictions, a separate study was designed to collect and analyze its data. The sites that collected data for this analysis are:

- St. John's, Newfoundland;
- Charlottetown and Summerside, Prince Edward Island;
- Halifax, New Glasgow, Sydney, Truro and Yarmouth, Nova Scotia;
- Fredericton, New Brunswick;
- Ottawa, Toronto and London, Ontario;
- Winnipeg, Manitoba;
- Saskatoon and Regina, Saskatchewan;
- Edmonton and Calgary, Alberta;
- Victoria, British Columbia;
- Yellowknife, Northwest Territories; and
- Whitehorse, Yukon.

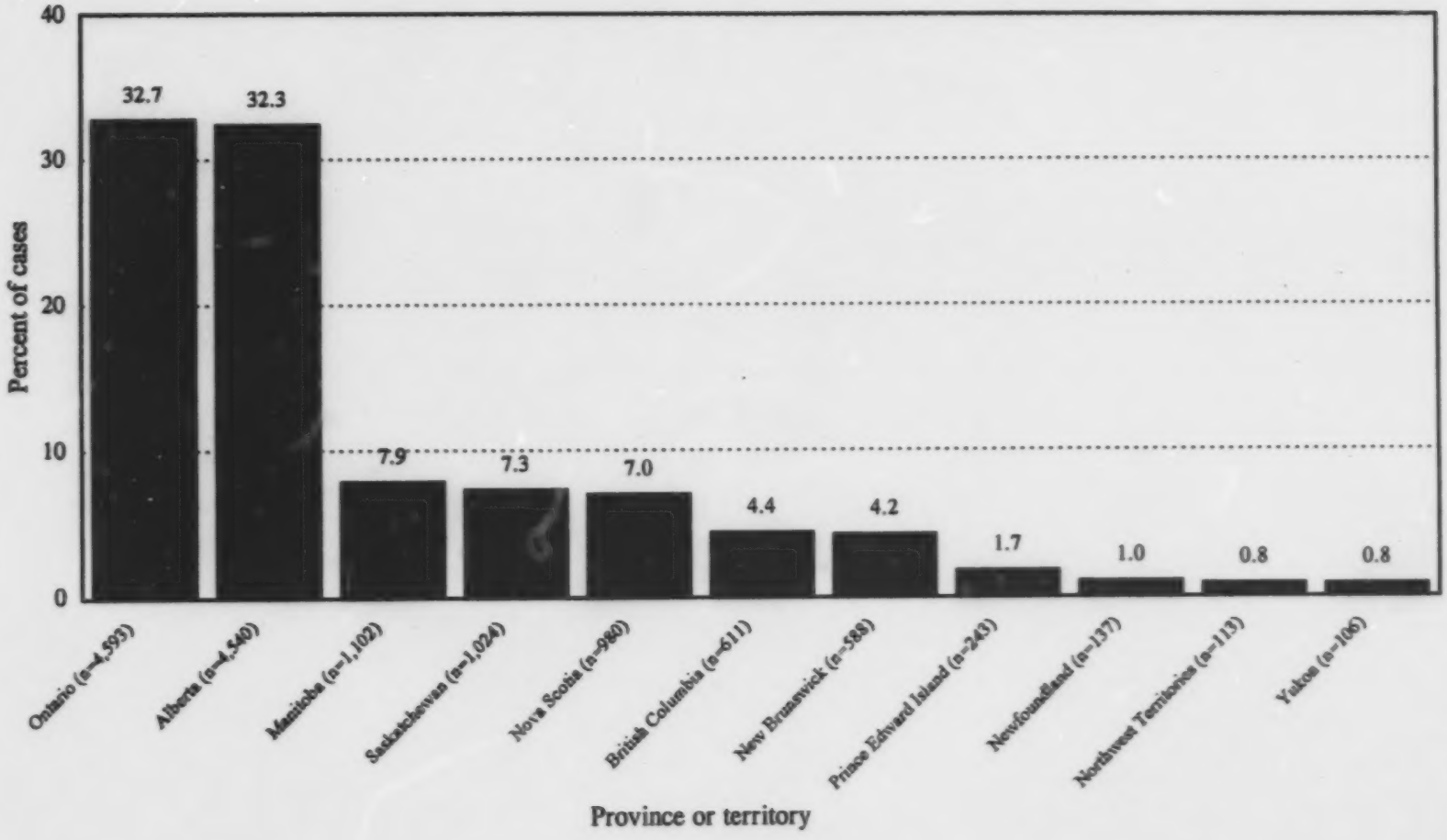
The Federal-Provincial-Territorial Research Sub-committee members selected the sites to be studied in their jurisdictions. The Sub-committee was also heavily involved in the design of the survey, and facilitated the site visits by the research team.

The contractor responsible for maintaining the database is Neurofinance Inc., located in Montreal. Neurofinance has developed a computerized data input program that mirrors the paper survey instrument. The software has been made available to data-capture clerks at all sites, and almost all sites are now using it for data capture. The few sites not currently using the software complete the printed questionnaires and then forward them to Neurofinance for data input. The data analyzed in this report is the version of the database received by the Canadian Research Institute for Law and the Family on April 4, 2000, and includes all valid cases (n=14,067) entered in the database from the beginning of phase 2 in the fall of 1998 through March 16, 2000.[10]

Figure 8.1 presents the number and percentage of cases included in this database by province or territory of origin. The majority of the total number of cases (32.7 percent) were from Ontario, followed by 32.3 percent from Alberta, 7.9 percent from Manitoba and 7.3 percent from Saskatchewan. There is a large number of Ontario cases because it was the most populous jurisdiction included in the project, with three court sites participating. Similarly, the large number of cases from Alberta is due to the fact that the two major urban centres, Edmonton and Calgary, both participated. The jurisdictions with the fewest number of cases in the study are the Yukon (106), Northwest Territories (113) and Newfoundland (137).

[10] A total of 1,465 cases were excluded from the database for purposes of the analyses presented in this report for the following reasons: cases in which the child support award amount stemmed from a previous order dated prior to implementation of the Federal Child Support Guidelines on May 1, 1997 (n=678; including 35 cases in which no date for the order was provided); cases representing variations that resulted in termination orders with no child support awards (n=5); cases relying solely on affidavits for data capture and not including information on whether the case represented a divorce or variation (n=9); cases designated as "entry not finished" in the database (n=61); duplicate cases (n=66); cases in which it was indicated that they had proceeded under provincial legislation (n=645); and one case that, on manual inspection, appeared to be problematic.

Figure 8.1: Percentage of Cases from Each Participating Province or Territory



Total n=14,067, missing cases=30.

8.2 Data Quality Issues

One potential bias that should be acknowledged is the differing availability of information for completing the survey instrument across participating sites. At some sites, the file available to data-capture clerks contains all relevant documentation for a case, including any prior agreements or orders. At other sites, the available file contains only the final divorce judgment, which may be silent on child support because it was addressed in a previous agreement or order. While this could cause some variables to be underreported in the survey, it should not compromise the quality of the data that were available.

Although there was an attempt to train all data-capture people and a standard coding manual is available, the fact that different persons across the country are collecting the information could affect data quality. Consequently, edits have been run against the data and follow-up with coders is ongoing to minimize this effect as well as other sources of error.

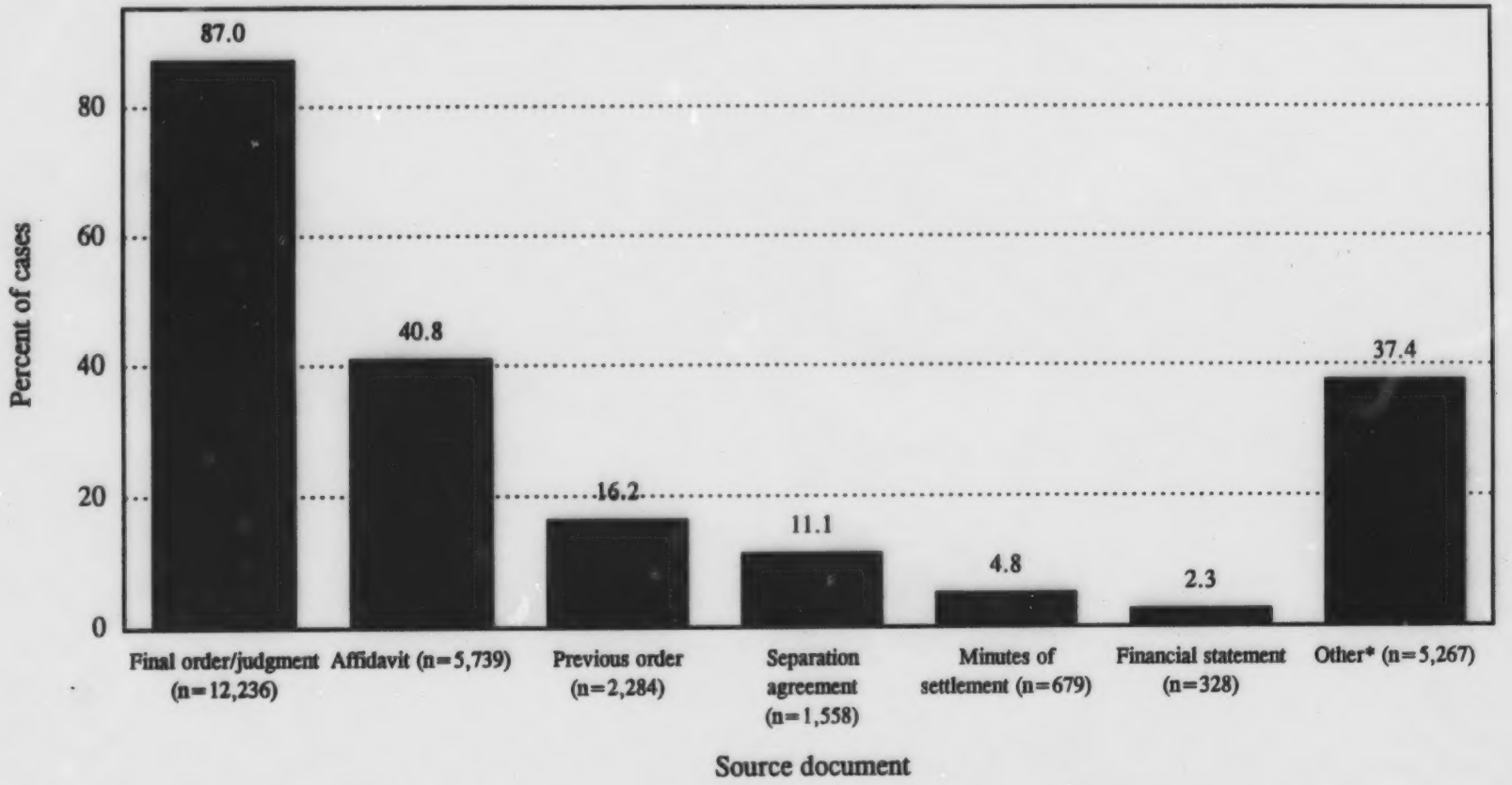
Figure 8.2 presents the source documents used to complete the instruments. The most frequent source of information was final orders/judgments, which were available in 87 percent of cases. Affidavits (40.8 percent) and previous orders (16.2 percent) were also used in capturing data. Financial statements (2.3 percent) and minutes of settlement (4.8 percent) were least frequently used. Table 8.1 lists the most frequent combinations of source documents used to complete the instruments, the most common being "final order/other" (19.9 percent of cases with non-missing data), which represents a write-in comment. The most common write-in other documents were "data sheets" followed by "petition."

Table 8.1: Combinations of Source Documents Used to Complete Instrument[1]

Documents used	n	%
Final order only	2,835	21.1
Final order/other	2,682	19.9
Final order/affidavit	2,071	15.4
Final order/separation agreement/affidavit	910	6.8
Final order/affidavit/other	885	6.6
Final order/previous order/affidavit	655	4.9
Final order/previous order/other	512	3.8
Final order/previous order	483	3.6
Other only	422	3.1
Other combination	2,011	14.3

[1] Total n=14,067, missing cases=601.

Figure 8.2: Source Documents Used to Complete Survey



Total n=14,067.
Numbers do not add up to total since more than one source document may be used to complete the survey.
* Other includes such documents as data sheet, petition, variation application, clerk's notes and interim order.

Following revision of the survey instrument after completing of the pilot phase, representatives of the survey team made site visits to meet with most of the data-capture clerks to conduct data-capture training sessions early in the fall of 1998. Further, a revised coding manual was developed for the revised questionnaire detailing the information to be coded for each item. A toll-free help line is maintained for data-capture clerks if they have questions regarding the appropriate way to code particular cases. In addition, many items on the instrument provide for write-in responses in cases when the pre-coded alternatives were inappropriate. Write-in opportunities were used quite extensively, and these open-ended responses were coded and included in the data analysis when appropriate.[11]

8.3 Data Analysis Strategy

This part of the report presents interim analyses of the database generated from the fall of 1998 through March 16, 2000. In cases where measures of central tendency are presented, both the medians (the point above and below which 50 percent of the cases fall) and the means (or average) are presented because the median is less sensitive to the effects of extreme scores. Medians only are presented in tables and figures. Regression was used in analyses involving continuous variables, such as parent income and child support awards. Appendix C contains an analysis of selected major variables by participating province/territory.

8.4 Limitations of the Study

The major limitation of the study is that the cases do not represent all child support cases in Canada. Therefore, results should not be generalized to the population as a whole, or to individual provinces or territories, especially since, at the present time, some jurisdictions have relatively few cases in the database. A report completed by the Department of Justice Canada addressed the representativeness of the participating court sites in comparison with the jurisdiction as a whole on a limited range of variables and found quite acceptable levels of representativeness.[12] Thus, as the size of the database increases over the course of phase 2, the ability to generalize the findings to jurisdictions should increase.

It should be noted that an attempt was made to exclude all cases in which child support was determined prior to the implementation of the Federal Child Support Guidelines on May 1, 1997. A small number of these cases may remain in the database, but their presence would have a minimal effect on the results presented in this section.

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[11] Due to the large number of write-in responses, any particular response given in fewer than five cases was not coded separately; instead, these responses were coded into a general "other" category.

[12] Department of Justice Canada. *A Comparison of Selected and Non-Selected Court Sites and an Analysis of Representativity of Courts in the Central Divorce Registry Data Base*. Background Paper BP05E, 1999.

9.0 INTERIM FINDINGS OF PHASE 2 DATA

9.1 Case Characteristics

Source of Child Support Order Information

Data-capture clerks were required to determine whether each case represented a divorce order/judgment or a variation order. They were also required to indicate the type of judgment or order used. Of the 14,067 cases, 79.9 percent were interim or final divorce orders/judgments and 16.3 percent were interim or final variation orders. No information was available on whether the remaining 3.8 percent of cases were divorce orders/judgments or variations.

Figure 9.1 presents a breakdown of the types of divorce orders or judgments used to complete the survey instrument. The most common type used was a divorce order/judgment that included a child support order (51.1 percent), followed by a divorce order/judgment silent on child support (31.8 percent).[13] Interim child support orders were reported in 11.9 percent of cases.

Of a total of 2,298 variations, a substantial majority (86.2 percent) were final variation orders, followed by 8.7 percent interim variation orders.

Disposition of Order

One item of the instrument asks for the final disposition of the order. Due to possible confusion regarding the distinction between "consent" and "uncontested" dispositions, these categories were collapsed. Only 1,702 cases (12.2 percent) with non-missing data (n=13,980) on this variable were contested; 12,134 cases (86.8 percent) were coded as consent/uncontested, and in 144 cases (1 percent) the disposition was unknown.

Substantial differences were found in the disposition of divorce orders/judgments and variations. Of the total number of divorce orders/judgments (n=11,234), 7.6 percent were contested and 91 percent were coded as consent/uncontested. However, of the 2,298 variations, 30.6 percent were contested and 67.5 percent were consent/uncontested.

Legal Representation

In the majority of cases with non-missing data (n=14,013), the mother was reported as having legal representation (10,697 or 76.3 percent). Of cases with non-missing data on legal representation for the father (n=13,964), the majority also had representation (8,844 or 63.3 percent), although the proportion was not as high as with mothers. A total of 12,313 cases (87.5 percent) reported legal representation for at least one parent, and 7,227 cases (51.4 percent of the total sample) reported representation for both parents. Only 168 cases (1.7 percent of non-missing data) reported legal representation for a government agency.

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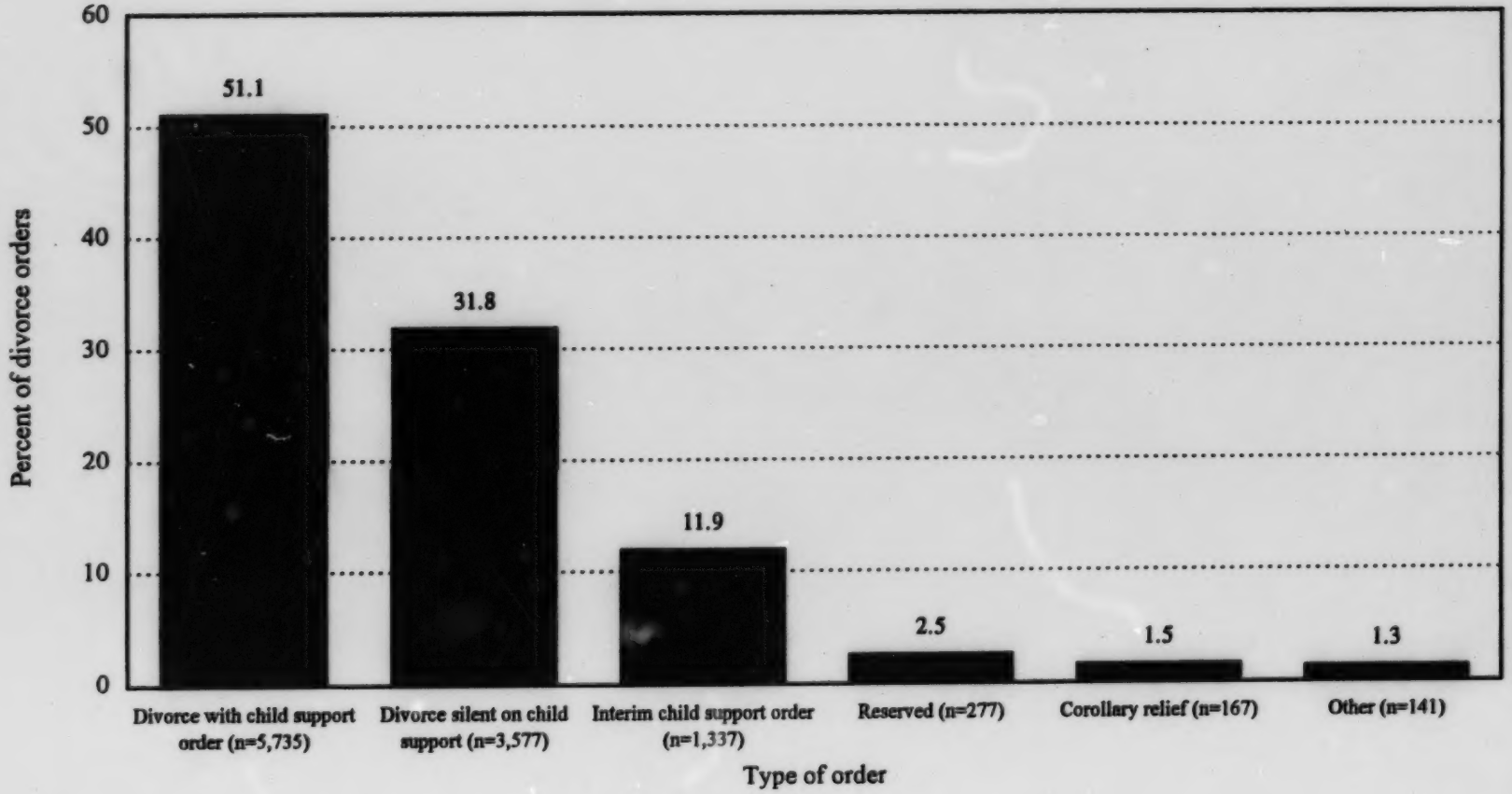
[13] The majority of the cases silent on child support are from Ontario.

Figure 9.1: Type of Order or Judgment Under the *Divorce Act*



Total number of divorce orders = 11,234.
535 cases were missing data on both type of divorce order/judgment and type of variation order.

Legal representation was also analyzed separately for cases involving divorce orders/judgments and variations. Cases involving divorce orders/judgments were less likely to have legal representation for mothers (75 percent), fathers (60 percent) and government agencies (0.6 percent) than were cases involving variations (79 percent for mothers, 75.7 percent for fathers and 4.2 percent for government agencies).

Issues Dealt with in Order/Judgment

Figure 9.2 presents the issues dealt with in the orders/judgments that included both divorce orders and variations.[14] The most frequent issue was child support (73.1 percent of all cases), followed by custody (56.8 percent) and access (52.5 percent). Spousal support was an issue in one-fifth of the orders/judgments (20 percent).

Issues dealt with in orders were also analyzed separately for divorce orders/judgments and variations, and the results are presented in Figure 9.3. Child support was more likely to be dealt with in variations (96.6 percent) than in divorce orders/judgments (67.4 percent). Most other issues were considerably less likely to be dealt with in variations than in divorce orders/judgments, with the exception of arrears, award termination provisions and review clauses.

Additional analyses were conducted to determine the most common combinations of issues that were dealt with in orders/judgments. These are presented in Table 9.1.

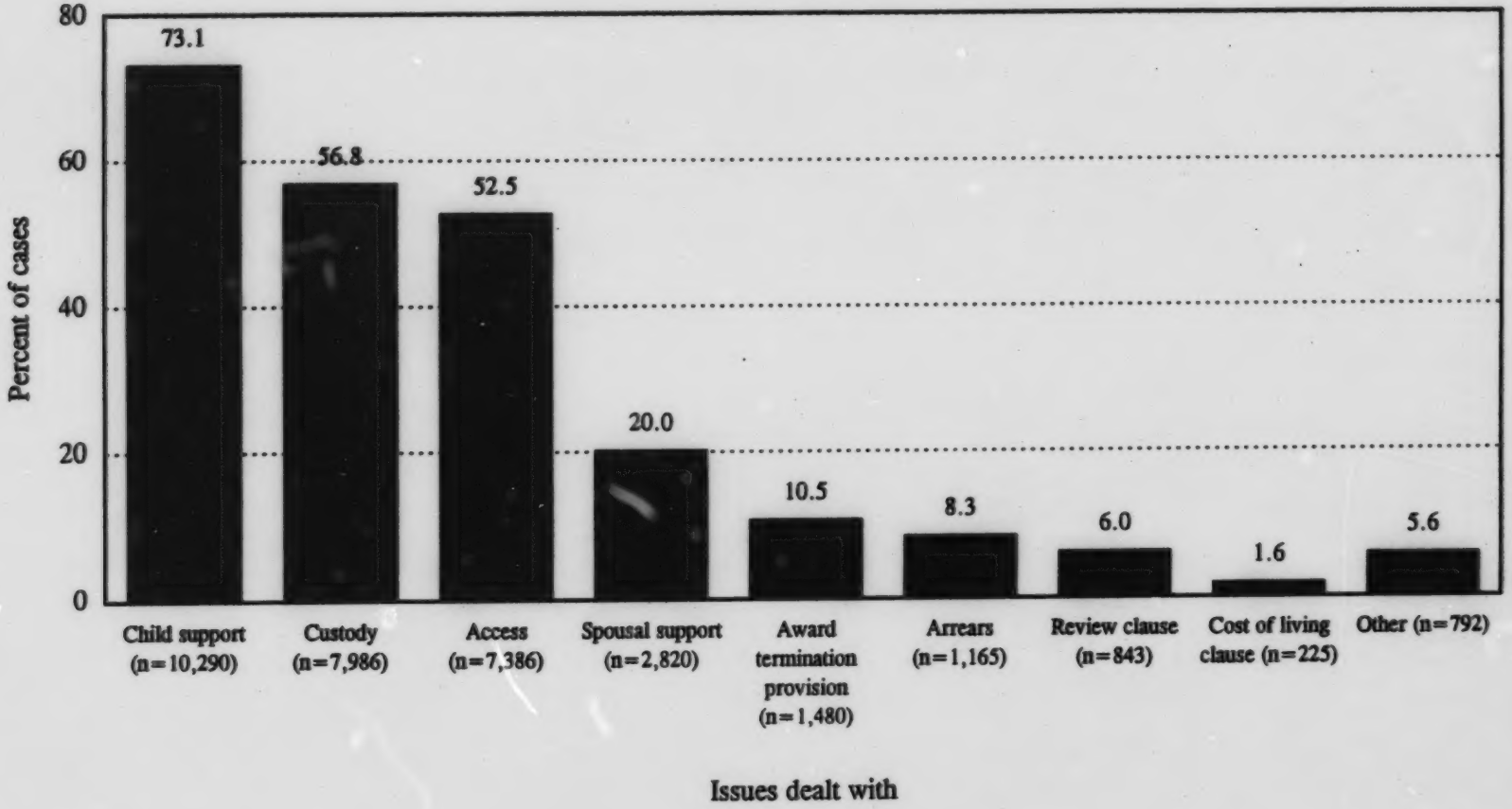
Table 9.1: Number of Cases Reporting Most Frequent Combinations of Issues Dealt with in Orders/Judgments[1]

Combinations of issues	n	%
Child support/custody/access	3,090	22.0
Child support/custody/access/spousal support	1,549	11.0
Child support only	1,460	10.4
Child support/custody	424	3.0
Child support/arrears	394	2.8
Child support/custody/access/award termination provision	390	2.8
Custody/access[2]	363	2.6
Child support/custody/access/spousal support/award termination provision	330	2.3
Child support/custody/access/other issue	245	1.7
Child support/custody/access/review clause	183	1.3
Child support/custody/access/arrears	182	1.3
Child support/spousal support	153	1.1
Custody only[2]	152	1.1
Child support/award termination provision	135	1.0
Other combination	1,957	13.9
Missing	3,060	21.8

1 Total n=14,067.
2 Because the database includes all divorce cases involving children in the participating jurisdictions, a small number of cases do not deal with child support.

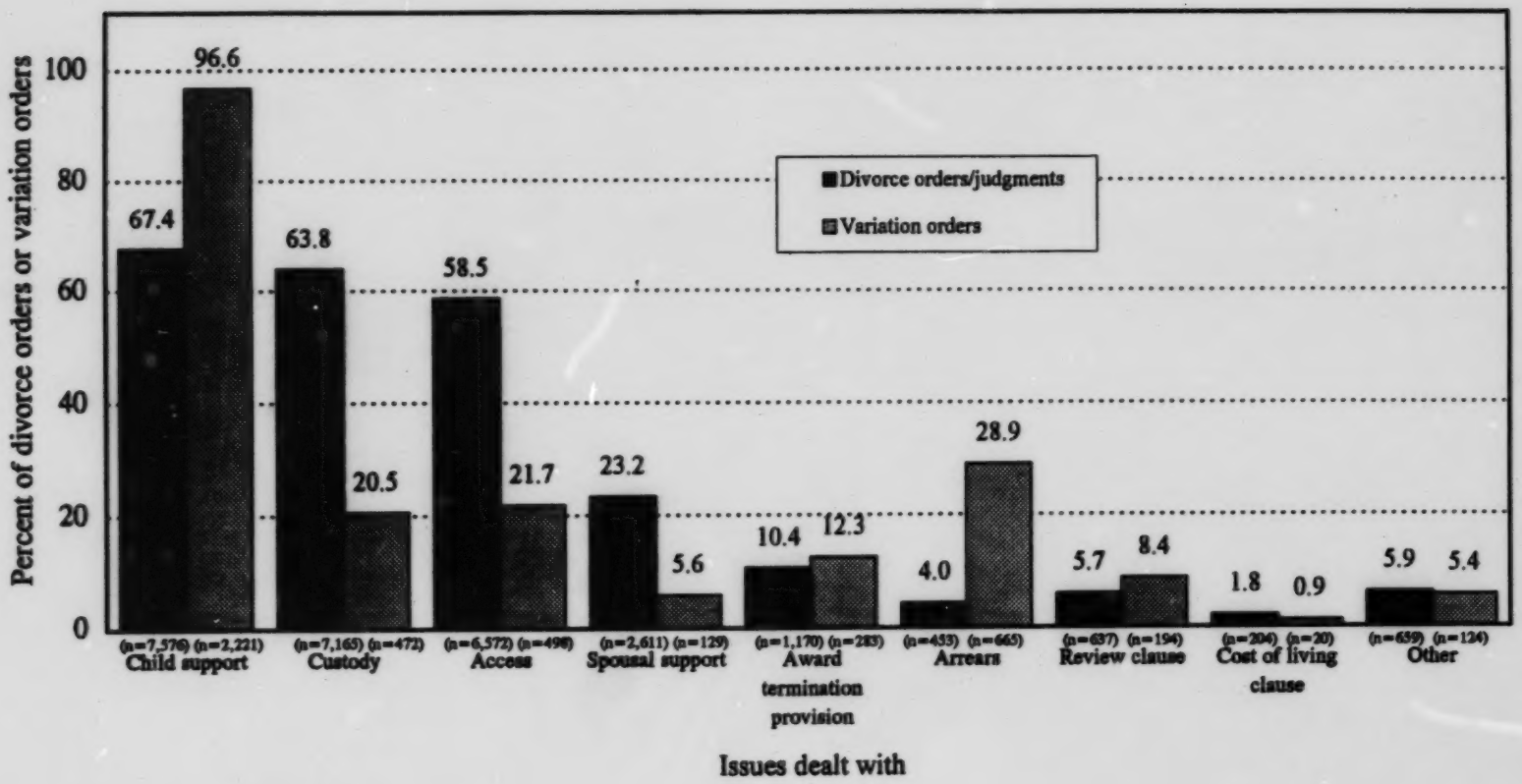
[14] This does not include issues dealt with in supporting documents available to the data-capture clerks.

Figure 9.2: Issues Dealt with in Court Orders or Judgments



Total n=14,067.
Numbers do not add up to total since more than one issue may be dealt with in an order or judgment.

Figure 9.3: Issues Dealt with in Divorce Orders/Judgments and Variation Orders



Total n for divorce orders/judgments=11,234.
Total n for variation orders=2,298.
Numbers do not add up to total since more than one issue may be dealt with in an order or judgment.

Access Terms

The instrument requested information on the terms of access arrangements for those cases in which access was mentioned.[15] Table 9.2 presents the types of access terms reported. The most frequent type of access was "reasonable/liberal" (51.5 percent), followed by "scheduled/specified" (23.1 percent). Other types of access arrangements were considerably less frequent, and the type of access terms was unknown in 15.7 percent of cases.

Table 9.2: Type of Access Terms[1]

Access terms	n	%
Reasonable/liberal	6,885	51.5
Scheduled/specified	3,087	23.1
Other	766	5.7
Not applicable[2]	539	4.0
Unknown	2,100	15.7

[1] Total n=14,067, missing cases=690.
[2] Includes cases such as shared custody.

Spousal Awards

A total of 1,409 cases (10 percent of the total sample) had a valid (non-zero) spousal support award amount. It should be noted that, due to the nature of the survey, these only represent cases in which children were involved. Of these cases, the majority (85.5 percent) had awards payable monthly. In 170 cases, or 12.1 percent of the cases involving spousal support, the award was a lump sum, and in 34 cases (2.4 percent) an annual spousal support amount was specified.

The monthly spousal award amount ranged from $1 to $11,508. Almost three quarters of the monthly awards (72.9 percent) were $1,000 or less. The lump sum awards ranged from $1 to $2,500,000. Thirty-one of the 34 cases of annual spousal support had an amount of $1. It should be noted that the *Divorce Act* stipulates that spousal awards are to be considered after child support and, for this reason, they are sometimes quite low. However, these amounts are often entered so that they can be reconsidered at a later time.

A total of 1,363 of the spousal support cases specified the paying spouse. In 1,342 cases (98.5 percent) the husband was the paying spouse, while in only 21 cases (1.5 percent) the wife was the payer.

Number and Age of Children in Case

Data were available on the number of children included in all but 141 cases. The majority of cases included either one child (n=5,561; 39.9 percent) or two children (n=6,178; 44.4 percent). Three children were reported in 12.8 percent (n=1,783) of cases. Because few cases involved four or more children (n=404; 2.9 percent), they were collapsed into a single category for purposes of subsequent analyses.

[15] See Appendix B, Coding Manual, p. 7 for definitions of access terms.

It is not possible to determine exactly how many children over the age of majority are present in the database, since only year of birth is requested on the instrument for each child involved in the case. However, an estimate of this number was computed. It is probably an overestimate, since it assumes that a child who reached the age of majority at any point during the year of the judgment would have been regarded as over the age of majority at the time of the judgment. This estimate indicated that there was at least one child over the age of majority in 1,992 cases (14.2 percent of the total), which represents 2,459 children. Figure 9.4 presents the breakdown of cases of children determined to be the age of majority or older. The majority of children were 18 (32.1 percent) or 19 (27 percent) years of age.

The revised survey instrument for phase 2 also asked for the number of children treated as under the age of majority and the number of children treated as over the age of majority where this information was available. In 634 cases (4.5 percent of the total), there was at least one child treated as over the age of majority.

Type of Custody Arrangements

Figure 9.5 presents the type of custody arrangement in the cases according to the definitions of custody provided in the Guidelines, which refers mainly to principal residence of the children. In the majority of cases (80.4 percent), the mother had sole custody; fathers had sole custody in 8.6 percent of cases. Shared custody (the child spends at least 40 percent of the time with each parent) was 5.3 percent. Split custody (one or more children have primary residence with the mother and one or more children have primary residence with the father) was 5.0 percent. This classification is based on terms used for Child Support Guidelines purposes. In some of the "sole custody" cases, there was a form of legal joint custody or joint guardianship, but the child did not spend at least 40 percent of the time with each parent.

Child Support Award Amounts

Data were available on monthly child support award amounts for a total of 11,118 cases, representing 79 percent of the total.[16] Across all cases, monthly child support amounts ranged from $1 through $8,366, with a median value of $424.[17]

It was indicated in 27 cases (0.2 percent of total cases) that an annual amount was awarded for child support; 11 of these cases also included a monthly support amount. The range of annual awards was $1 to $10,000. Lump sum child support awards were reported in 155 cases (1.1 percent of total cases) and ranged from $190 to $500,000. Fifty-three of these cases also indicated a monthly support amount.

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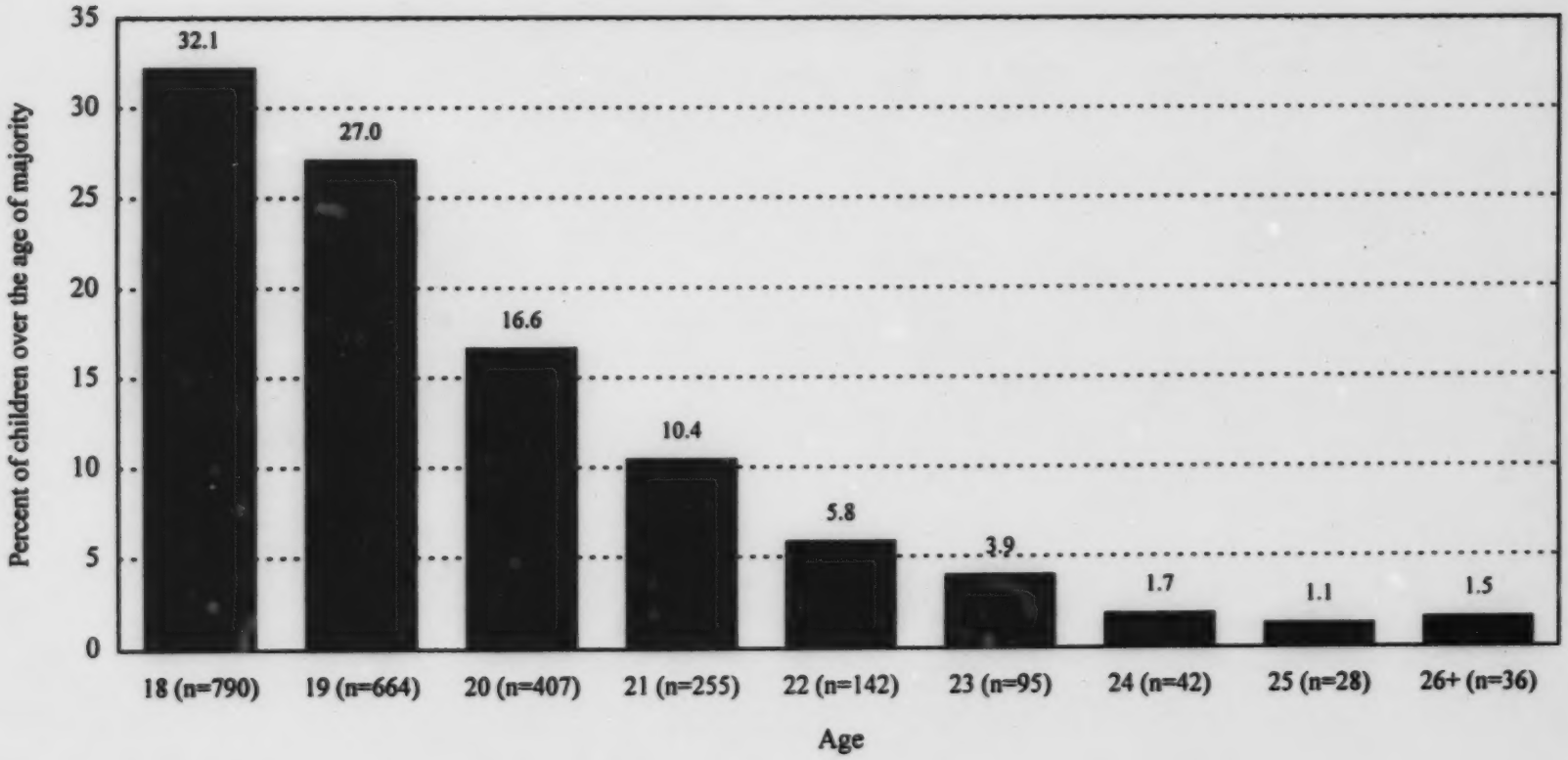
[16] Because it was not possible to determine whether cases with $0 coded for monthly child support award amount represented actual awards of $0, these cases were excluded from this analysis (n=308). In addition, cases with monthly child support award amounts in excess of $6,000 were examined manually in order to determine if these awards were accurate, given the other information available on the case. On this basis, monthly award amounts in excess of $10,000 for 11 cases were excluded from these analyses.

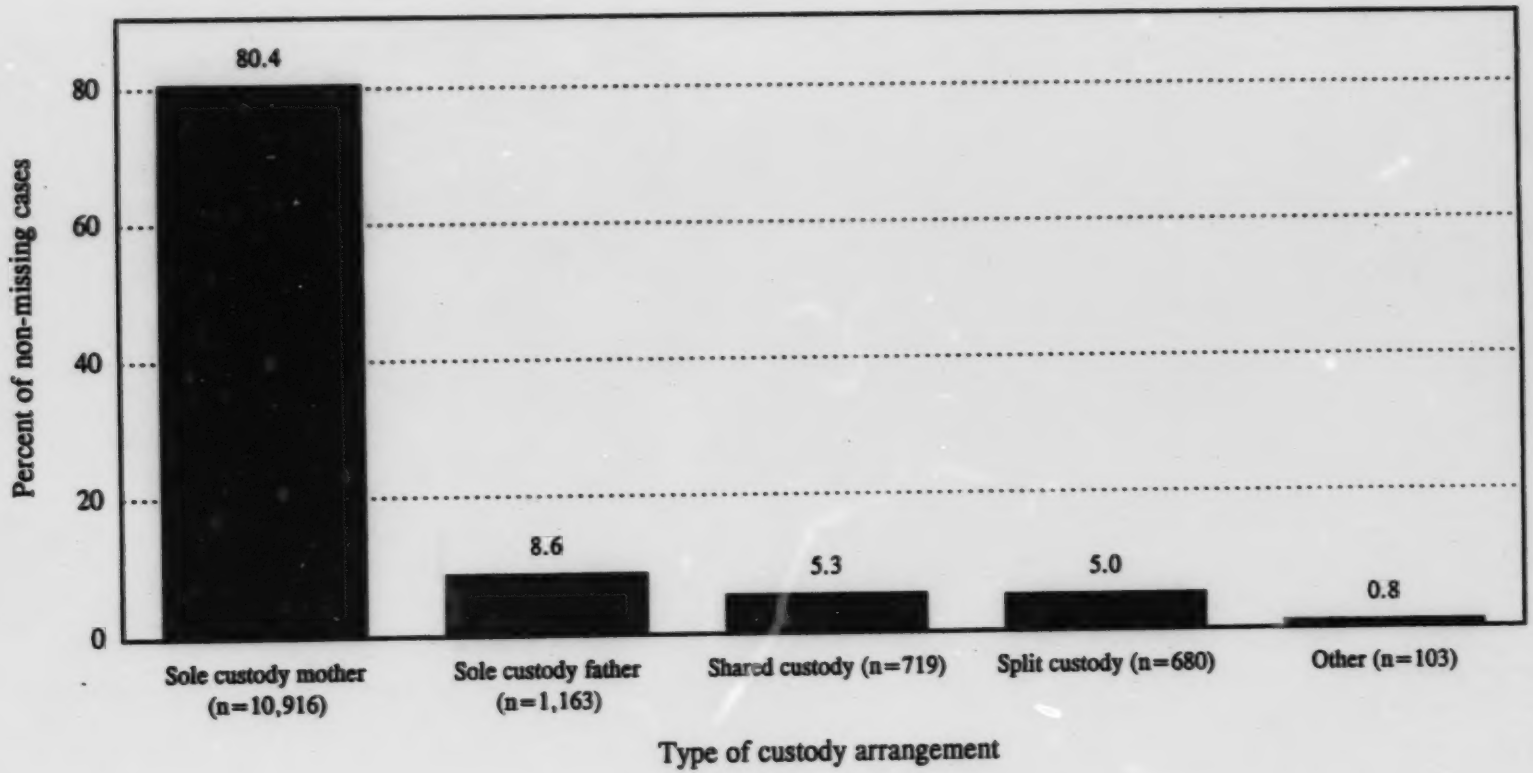
[17] This represents the total child support award amount, which includes only 'add-ons' for special or extraordinary expenses.

Figure 9.4: Age Breakdown of Children Over the Age of Majority



Total n=14,067. Number of children over the age of majority=2,459.
As the age of majority is 18 in some Canadian provinces/territories and 19 in others, 18-year-old children are only included in this figure for jurisdictions where the age of majority is 18.

Figure 9.5: Type of Custody Arrangements
(as defined by the Guidelines)



Total n=14,067. Missing cases = 486.

Further analysis of annual and lump sum child support awards suggested that many of these, particularly annual awards, were for special or extraordinary expenses awarded for post-secondary education for children over the age of majority. A total of 40.7 percent of the cases reporting annual support awards also included at least one child over the age of majority, compared to 29 percent of cases including lump sum payments and 12.7 percent of cases including only monthly payments. Further, 51.9 percent of cases with annual support payments included special or extraordinary expenses, compared to 29 percent of cases with lump sum awards and 35.9 percent of cases with only monthly awards. Finally, 25.9 percent of cases with annual awards reported special or extraordinary expenses awarded for post-secondary education, compared to 9.7 percent of cases with lump sum awards and 6.7 percent of cases with only monthly awards.

In the cases with a valid child support award amount and the paying parent specified, the father was the payer in 93.6 percent of the cases (n=10,520) while the mother was the payer in 5.7 percent of cases (n=645). Information on the paying parent was not available or not applicable in 70 cases (0.6 percent) with valid child support award amounts.

Paying and Receiving Parent Incomes

A non-zero income for the paying parent was specified in 10,668 cases (75.8 percent of the total sample) and was coded as "not stated" in 2,877 cases.[18] As would be expected, since the receiving parent's income is not required in straightforward applications of the Guidelines, a non-zero receiving parent's income was specified in fewer cases (6,160 or 43.8 percent of the total).

The median annual income for paying parents was $35,533 (mean=$43,434) and ranged from $144 to $5,817,800. The median income for receiving parents was $24,600 (mean=$29,790), and ranged from $333 through $2,568,900.

For purposes of additional analysis of income information, income of paying and receiving parents was collapsed into seven categories:

$ 1–$ 14,999
$ 15,000–$ 29,999
$ 30,000–$ 44,999
$ 45,000–$ 59,999
$ 60,000–$ 74,999
$ 75,000–$149,999
$150,000 and greater

[18] It was not possible to determine with certainty whether cases having $0 entered for income actually reflected no income. For this reason, these cases have been excluded from the relevant analyses (n=522 for paying parent income and n=969 for receiving parent income).

Figure 9.6 presents the categorized income levels for the paying and receiving parents. The most frequent income category for paying parents was $30,000–44,999, with 28.8 percent of valid responses falling into this category. A total of 10.6 percent of paying parents fell into the lowest income category, and 1.6 percent had incomes in excess of $150,000.

The pattern for receiving parents is somewhat different from paying parents in that the most common income category for receiving parents is $15,000-29,999 (36.7 percent of non-missing responses), followed by 24.8 percent in the $1-14,999 range. The proportion of cases in the higher income ranges was considerably lower for receiving parents than for paying parents.

An item on the revised instrument requested information on the source of data on income if other than an order/judgment. This item was completed in 2,673 cases and the most frequent responses were affidavit (n=1,506; 56.3 percent), agreement (n=212; 7.9 percent), child support fact sheet (n=203; 7.6 percent) and financial statement (n=200; 7.5 percent).[19]

Figure 9.7 presents the proportion of paying and receiving parents with legal representation by categorized annual incomes. The proportion of paying parents with legal representation increased as income levels increased. Across most income levels, receiving parents more frequently had legal representation than paying parents; however, the proportion of receiving parents with legal representation tended to decrease as income levels increased. It should be noted that the Guidelines only require the income of receiving parents to be provided in cases when there are special or extraordinary expenses, undue hardship or shared or split custody. Thus, the most straightforward cases that would be least likely to involve legal representation for the receiving parents are not included in this figure.

Parents' income was also analyzed with respect to the disposition of the case (i.e. whether it proceeded by consent/uncontested or was contested). The median income of paying parents in cases resolved by consent/uncontested (n=9,064) was $35,338 (mean=$43,484); in contested cases (n=1,445) the comparable figures were quite similar (median=$36,000; mean=$43,968). The median income for receiving parents in consent/uncontested cases (n=5,302) was $25,000 (mean=$30,432); in contested cases (n=798) the median receiving parent income was $22,800 (mean=$25,860).

Figure 9.8 presents the proportion of cases that were contested by paying and receiving parents' annual income. The pattern for paying parents was not consistent across income levels; however, for receiving parents the proportion of contested cases tended to decrease as income increased.

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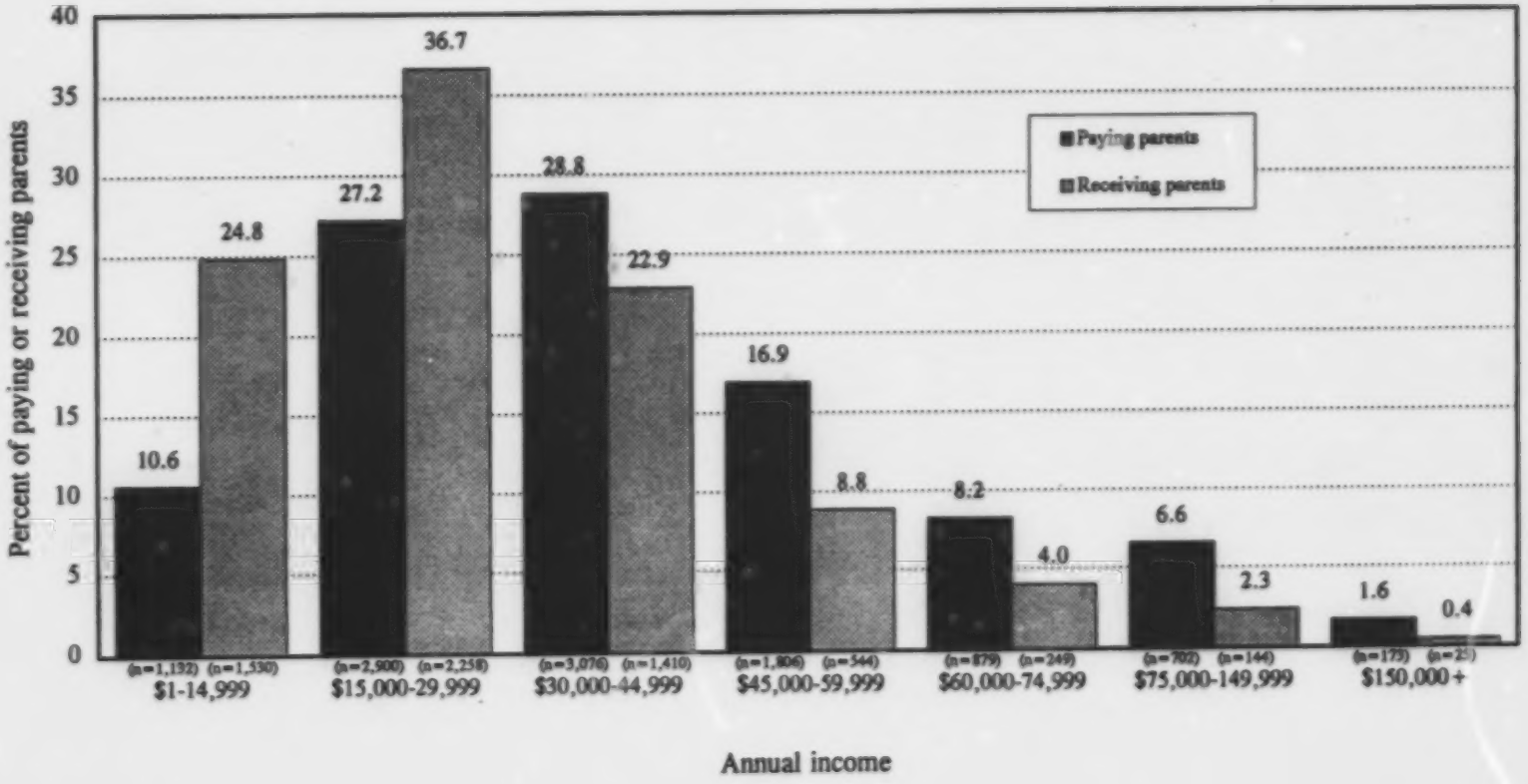
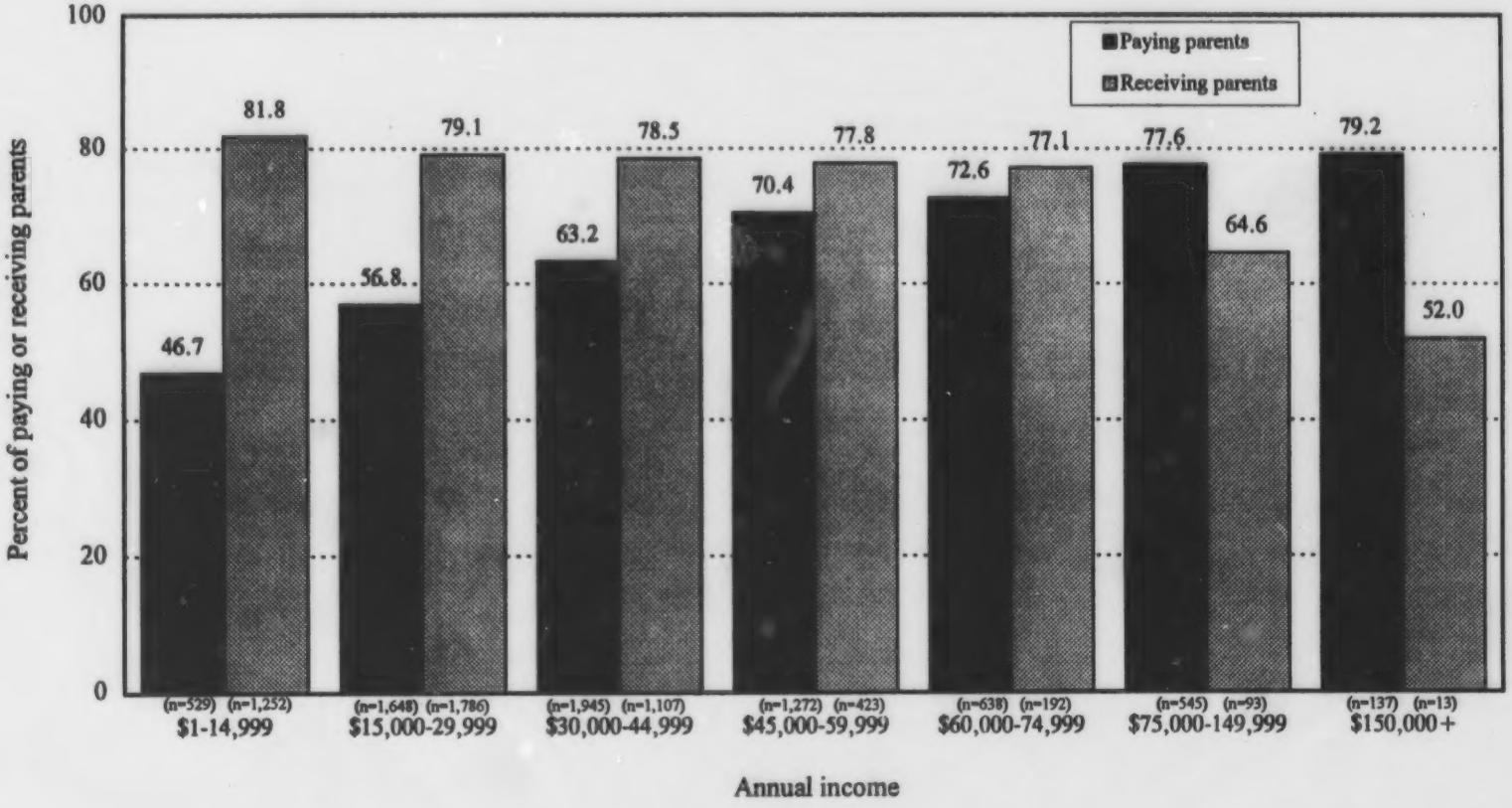
[19] Although income information taken from sources other than an actual order may not be reliable, given the importance of income information in the present study, the data collected from other sources were used.

Figure 9.6: Paying and Receiving Parents' Annual Incomes



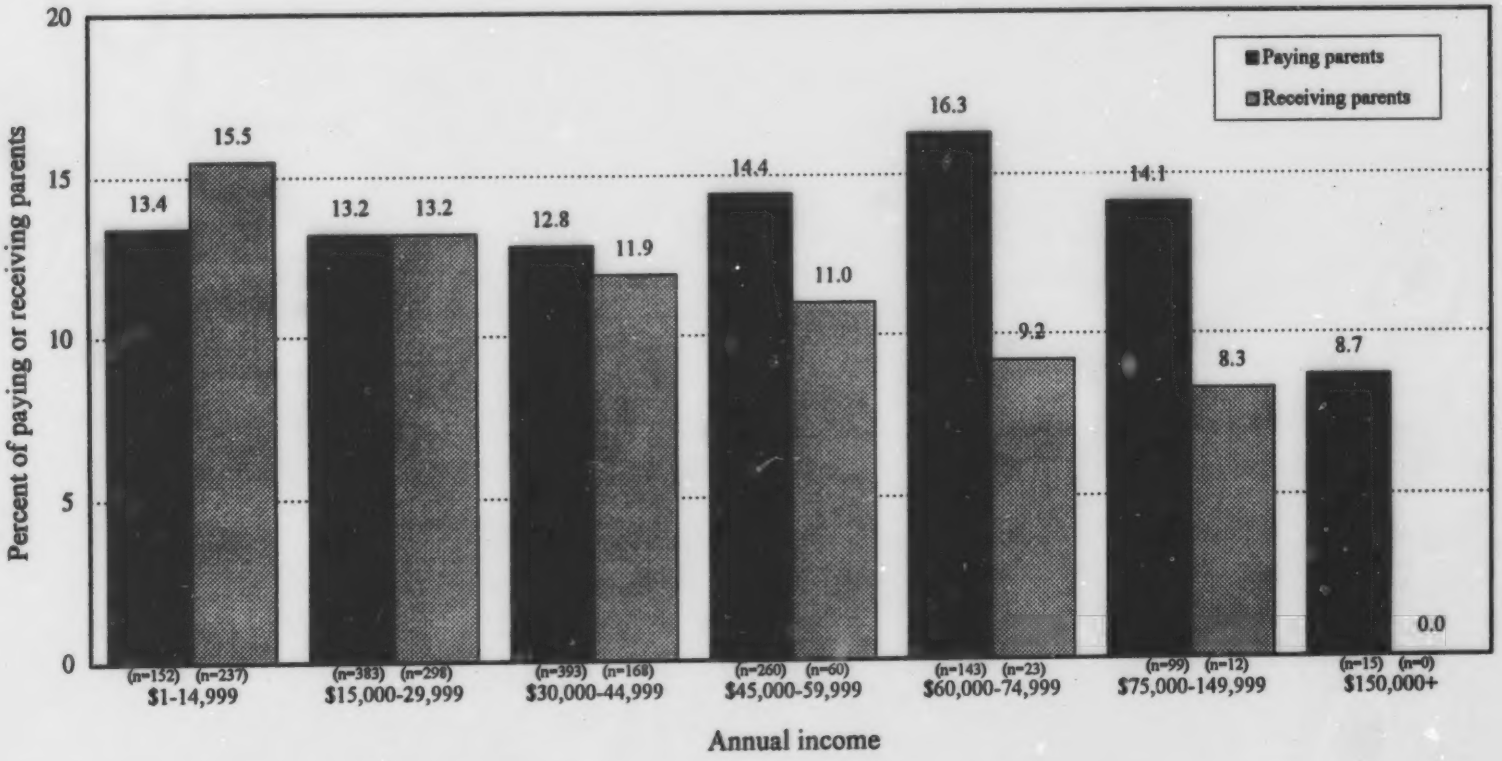
Total n=14,067. Missing cases on paying parent income=3,399. Missing cases on receiving parent income=7,907.

Figure 9.7: Percentage of Paying and Receiving Parents with Legal Representation by Annual Income



Total n=14,067. Missing cases on paying parent income=3,399. Missing cases on receiving parent income=7,907.

Figure 9.8: Percentage of Contested Cases by Paying and Receiving Parents' Annual Incomes



Total n=14,067. Missing cases on paying parent income=3,399. Missing cases on receiving parent income=7,907.

Determination of Award Amount

Figure 9.9 indicates the method used to determine the amount of the child support award according to the information available to the data-capture clerks. In 7,536 cases (55.6 percent of valid responses to this item) the file indicated that the Child Support Guidelines were followed.[20] The second most frequently reported method was a prior order or agreement that dealt with child support (1,269 cases; 9.4 percent). In 22.8 percent of the cases, the method used for determining the support amount was coded as "unknown/not stated," and in 5.2 percent of cases no indication was given of how the support amount was calculated. It is very likely that some portion of the cases marked as not stated, as relying on a previous order or agreement or as having no indication of how support was calculated, did in fact use the Guidelines. Therefore, analyses using this variable should be interpreted with caution.

To examine whether there were any differences in the method used to determine the award amount for children over the age of majority, cases in which all children were under the age of majority and cases in which all children were over the age of majority[21] were identified. Figure 9.10 presents the method used to determine the child support award amounts separately for these two groups. Cases in which all children were above the age of majority were less likely to report that the Guidelines had been used than were cases in which all children were under the age of majority (46.2 percent compared to 56.8 percent, respectively).

In order to determine whether the proportion of cases reporting that the Federal Child Support Guidelines were followed (according to information in the file) has changed since the implementation of phase 2 of this study, cases were ordered according to the date of judgment and then divided into quartiles. Results indicated a slight increase in the proportion of cases reporting that the Guidelines were used: during the period from the beginning of phase 2 data collection in the fall of 1998 through January 13, 1999, 54.8 percent of cases reported that the Guidelines were used. The corresponding percentages for the other three quartiles were: 54.1 percent for January 14, 1999 to April 30, 1999; 56.9 percent for May 1, 1999 to August 30, 1999; and 56.6 percent for August 31, 1999 to March 13, 2000. As noted above, however, these percentages are likely lower than the actual proportions, due to the number of cases in which it was unknown how the child support award amount was calculated.

Discretionary Awards for Children at or over the Age of Majority

This item was rarely completed on the survey instrument (completed for 92 children), which suggests that either discretionary awards for children at or over the age of majority are rarely used or that information regarding these awards was not readily available to the data-capture clerks. Further, since the question asked for the discretionary amount for children over the age of majority only if they were not included in the table amount for all children, it is likely that child support awards for some children over the age of majority are included in the total child

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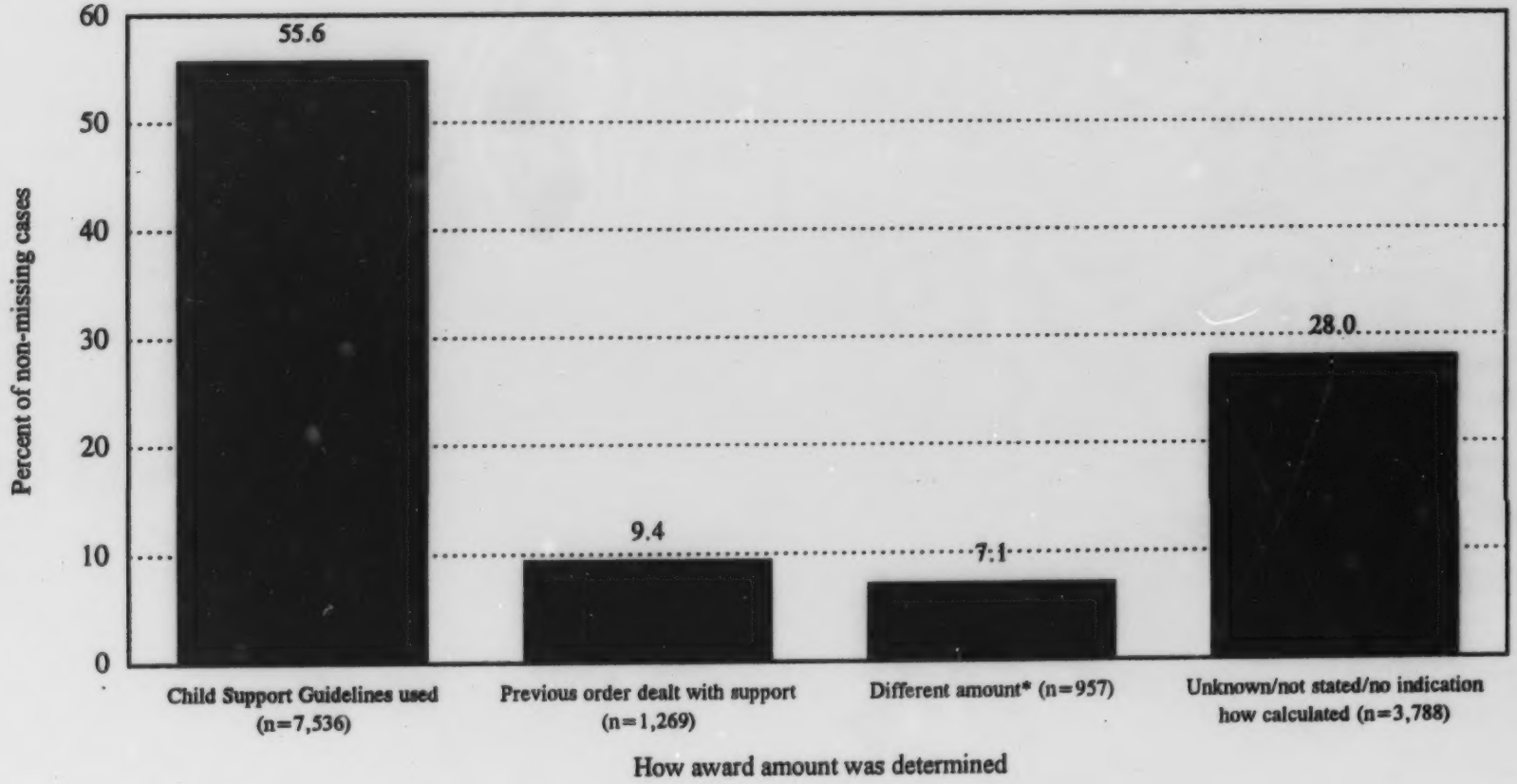
[20] Child Support Guidelines have been designated in a few provinces, which are used in these jurisdictions if both parents reside in that province. If the parents reside in different provinces/territories, the Federal Child Support Guidelines are used. With the exception of Prince Edward Island where some of the awards in the lower income levels are slightly higher, the table amounts of designated provinces are the same as the federal table amounts.

[21] See page 33 for a discussion of the limitations of this estimate.

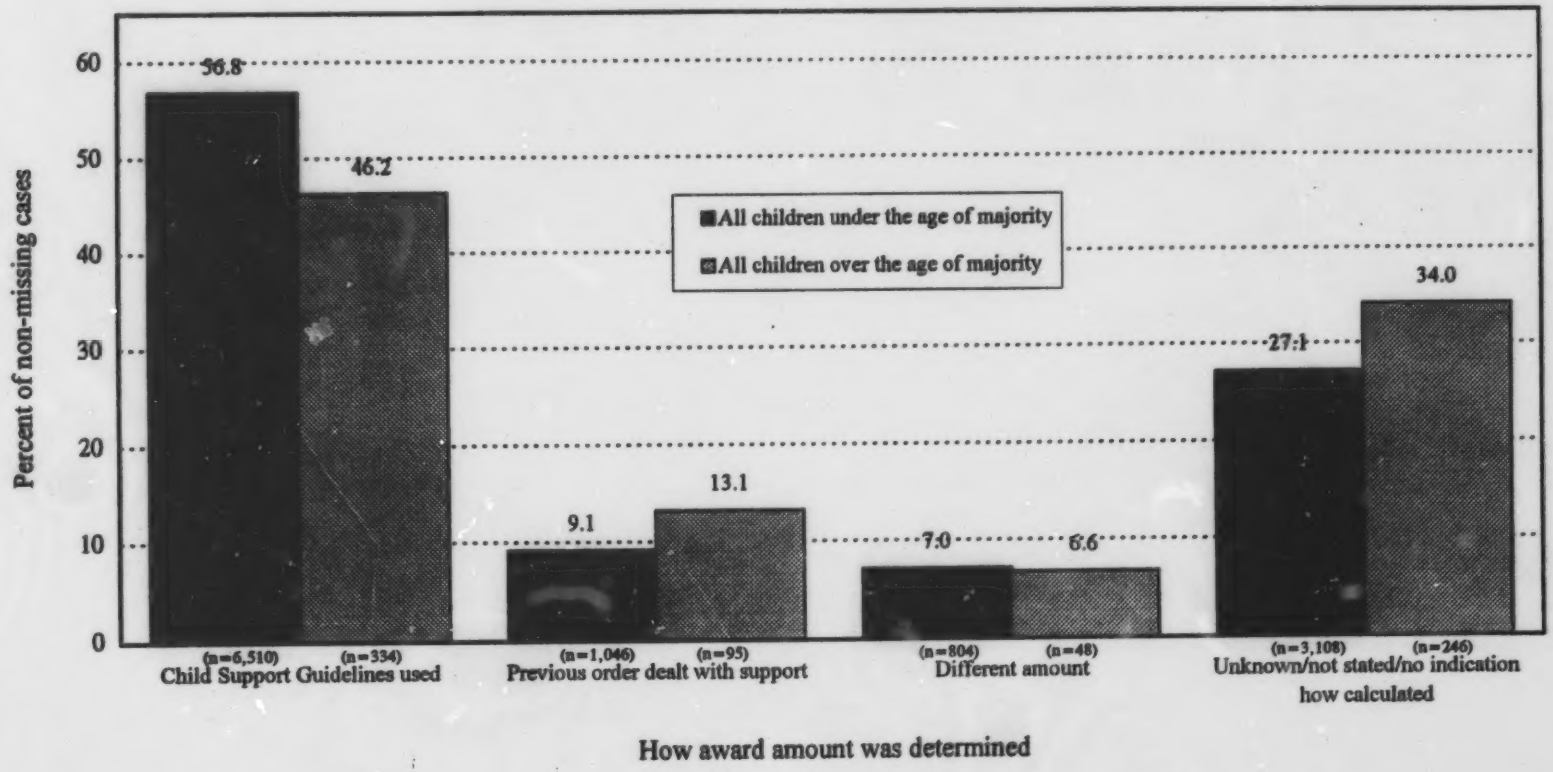
Figure 9.9: How Award Amount was Determined



Total n=14,067. Missing cases=517.

* "Different amount" determined as per section 15.1(5), 15.1(7), 17(6.4), 17(6.5) of the *Divorce Act*.

Figure 9.10: How Award Amount was Determined for Cases Where All Children are Either Under or Over the Age of Majority



Total n=14,067. Cases where all children under the age of majority are missing data on how award was determined=379. Cases where all children over the age of majority are missing data on how award was determined=54.
n for all children under the age of majority=11,847. n for all children over the age of majority=777.

support amount or are reflected in special expenses for post-secondary education. The amounts of these awards for cases in which this item was completed ranged from $50 to $5,000.

Award of Special or Extraordinary Expenses

In a child support order the court may, on either spouse's request, provide an amount to cover special or extraordinary expenses, including child care, medical/dental insurance premiums, health-related expenses, primary/secondary school, post-secondary education or extracurricular activities. The survey requests information on whether special or extraordinary expenses were awarded in each case and, for those cases in which they were, whether an amount and/or proportion of the paying parent's share of these expenses was specified. The instrument also asks which specific expenses were awarded according to those contained in section 7 of the Child Support Guidelines.

A total of 4,412 cases (31.4 percent of the total sample) indicated that special or extraordinary expenses were awarded. In 3,596 of these cases, 25.6 percent of the total (or 81.5 percent of the cases in which special or extraordinary expenses were awarded) indicated that a proportion of these expenses to be paid by the paying parent was specified. In 816 cases (5.8 percent of the total), an amount was not specified.[22]

Of the 2,107 cases that specified the monthly amount of the paying parent's share of special or extraordinary expenses, they ranged from $2 to $1,500, with a median amount of $108.[23] Of the 2,187 cases in which the paying parent's proportion of special expenses was specified, the proportion varied from 10 percent to 100 percent (median proportion was 57 percent). The most common proportion specified was 50 percent, in 652 cases, followed by 100 percent in 297 cases.[24]

Section 7 of the Guidelines allows the court to award special or extraordinary expenses in one or more of six categories. Figure 9.11 presents the number and proportion of cases out of the total sample in which each specific type of expense was awarded. The most commonly awarded type of expense was child/day-care expenses (12 percent of total cases). This was followed by medical/dental insurance premiums at 11.1 percent, and extracurricular activities expenses at 10.2 percent. The least frequently awarded expenses were primary/secondary education (5.4 percent) and post-secondary education (6.6 percent).

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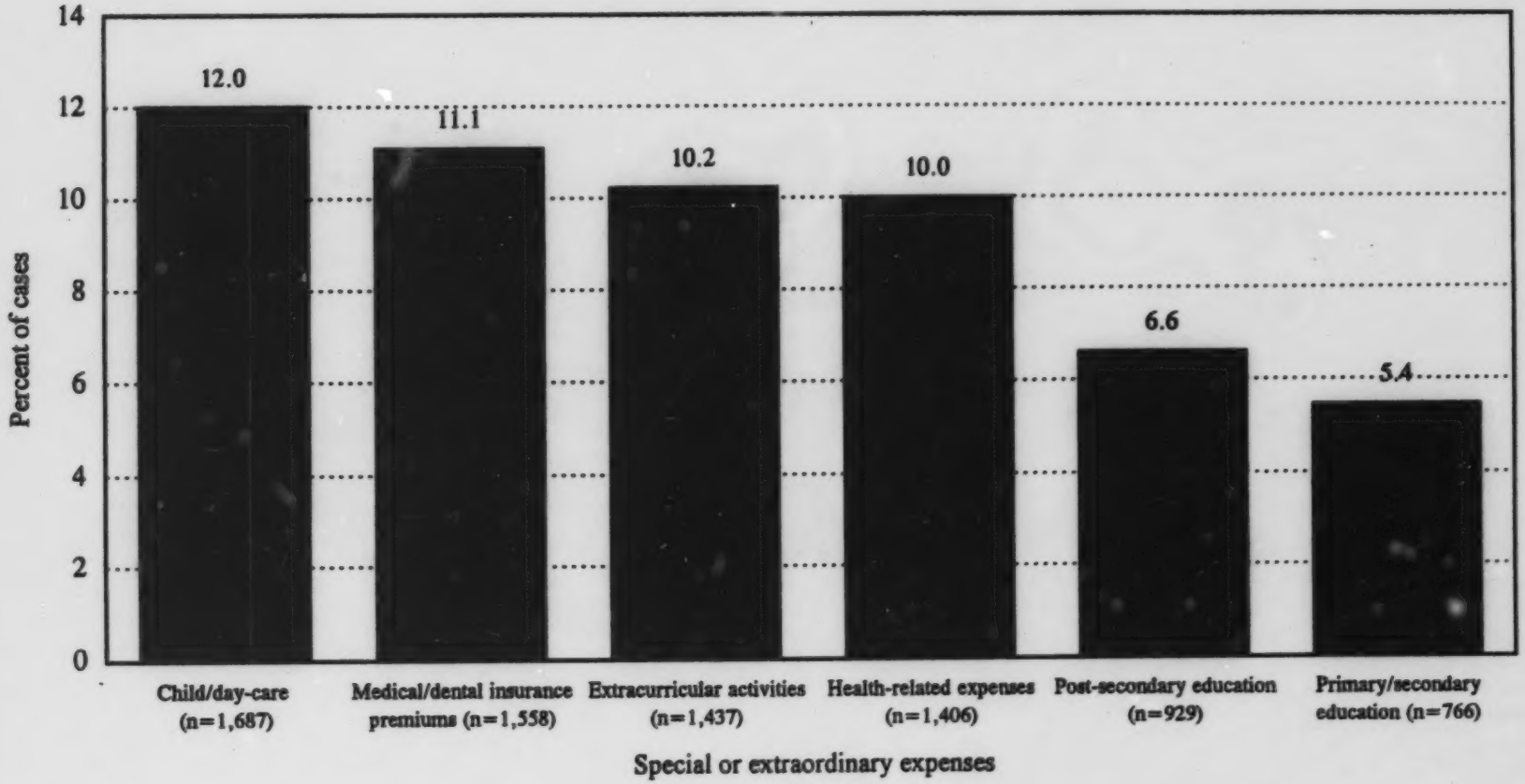
[22] It should be noted that if an amount for special or extraordinary expenses is not specified in an order, then the expenses are not enforceable by the provincial/territorial Maintenance Enforcement Program agencies.

[23] Monthly special or extraordinary expenses amounts in excess of $1,000 were examined manually to determine whether these amounts were accurate according to other information in the case. On this basis, three cases with monthly amounts greater than $1,500 were excluded from analysis of this variable. In addition, 23 cases with a monthly amount of $0 were also excluded.

[24] Annual and lump sum special or extraordinary expenses were awarded in very few cases (50 and 53 cases, respectively), and thus were not analyzed further.

Figure 9.11: Percentage of Cases Specifying Special or Extraordinary Expenses Under Section 7 of the Guidelines



Total n=14,067.

These categories are not mutually exclusive and more than one expense can be specified in a case. A total of 4,412 cases (31.4 percent) had one or more section 7 expenses added.

Figure 9.12 presents the proportion of cases in which all children were either under the age of majority or over the age of majority[25] and in which each type of special or extraordinary expense was awarded. Approximately equal proportions of cases in each group had medical/dental insurance premiums and health-related expenses awarded. However, as expected, child/day-care expenses were much more likely to be awarded in cases in which all children were under the age of majority rather than over the age of majority (13.8 percent compared to 0.3 percent, respectively). Similarly, expenses for post-secondary education were considerably more likely to be awarded in cases in which all children were over the age of majority (20.6 percent) rather than under the age of majority (5.2 percent).

Of the 3,884 cases that specified which of the special or extraordinary expenses were awarded, the majority of cases (50.8 percent) had one expense awarded. Considerably fewer cases had two (22.7 percent), three (12.6 percent), four (6.3 percent), five (4.2 percent) or six (3.3 percent) special or extraordinary expenses awarded. Table 9.3 presents the most common combinations of special or extraordinary expenses awarded.

A total of 993 cases had "other" arrangements, outside of section 7 special or extraordinary expenses, as write-ins. A substantial number of these cases (n=426; 42.9 percent) had expenses related to payments for life insurance policies that specified the children as beneficiaries. Other write-in responses included "children's education" (n=62) and "access costs" (n=21).

Undue Hardship

Undue hardship applications were identified in only 103 (0.7 percent) of the total cases in the sample.[26] Of these applications, 94 (91.3 percent) were brought by the paying parent, and eight (7.8 percent) by the receiving parent; there was one case involving a cross-application. In 23 cases (22.3 percent), the incomes of other household members were used in the standard of living test; they were not used in 42 cases (40.8 percent), and were unknown in 38 cases (36.9 percent).

Of the 94 applications brought by the paying parent, 63 resulted in a decrease of the Guidelines amount, 19 were denied, none resulted in an order amount higher than the Guidelines amount, and the outcomes of 12 applications were unknown or missing. Of the eight applications by the receiving parent, one resulted in an increase of the Guidelines amount, three were denied and one resulted in an order that was less than the Guidelines amount. The outcome was unknown in three cases.

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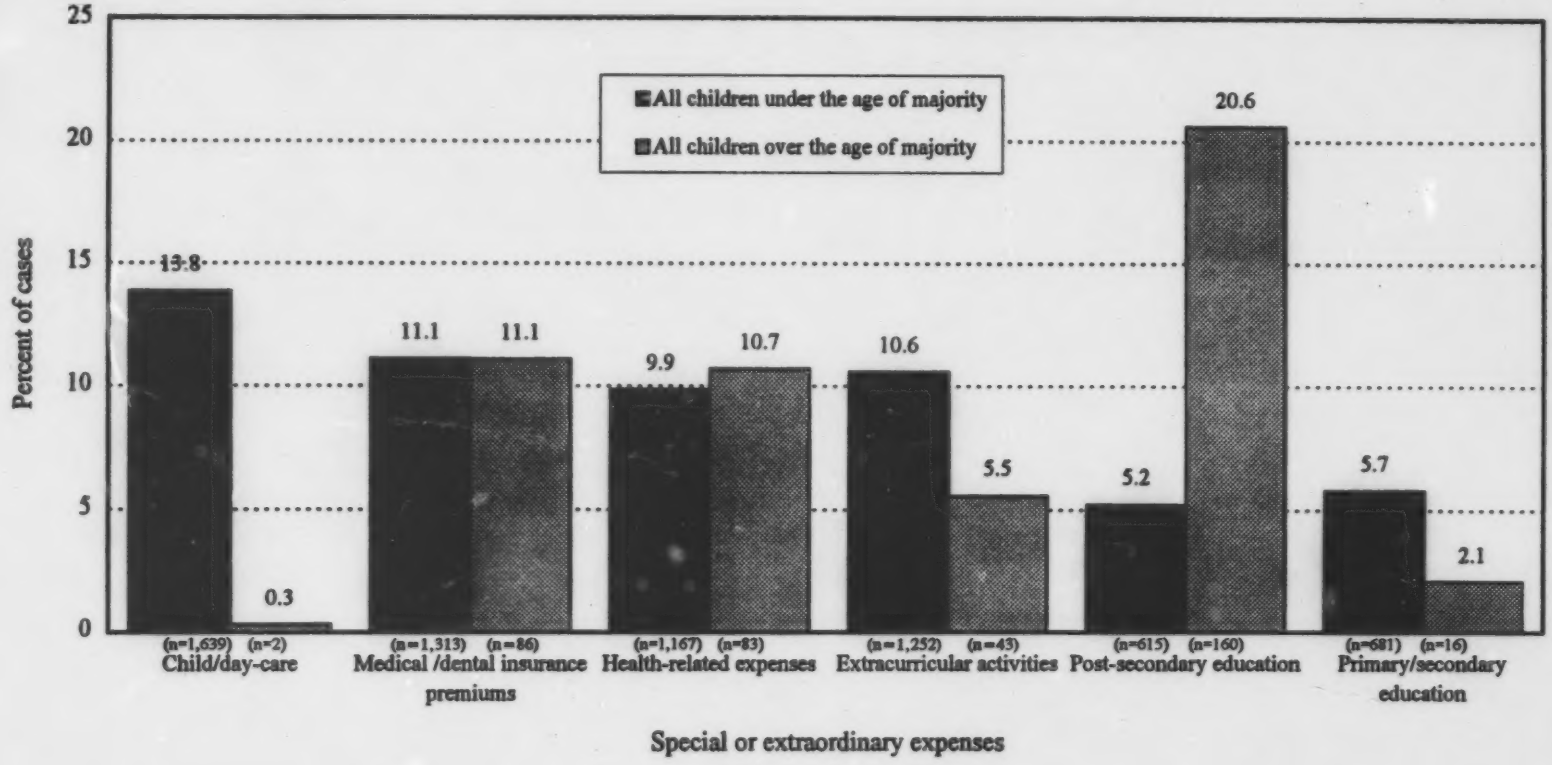
[25] See page 33 for a discussion of the limitations of this estimate.

[26] It should be noted that the data probably do not accurately reflect the number of cases in which undue hardship is raised. If a claim for undue hardship is raised and subsequently fails, there may be no record of the application in the case file.

Figure 9.12: Percentage of Cases Specifying Special or Extraordinary Expenses Under Section 7 of the Guidelines for Cases with Children Under and Over the Age of Majority



Total n=14,067.

n for All children under the age of majority=11,847. n for All children over the age of majority=777.

These categories are not mutually exclusive and more than one expense can be specified in a case.

In cases when the payment amount was decreased, the most common reasons given were "another family" (n=11), "undue hardship" (n=11), and "expenses for access" (n=7). Reasons for the outcome of the undue hardship application were not given in any case in which the payment amount was increased.

Table 9.3: Number of Cases Awarding Most Frequent Combinations of Special or Extraordinary Expenses[1]

Combination of expenses	n	%[2]
Child/day care only	901	23.2
Extracurricular activities only	296	7.6
Medical – dental insurance premiums only	295	7.6
Post-secondary education only	210	5.4
Health-related expenses only	188	4.8
Medical – dental insurance premiums/health-related expenses	179	4.6
Child/day-care/extracurricular expenses	131	3.4
Child/day-care/medical – dental insurance premiums/ health-related expenses/primary – secondary school expenses/ post-secondary education/extracurricular activities	130	3.3
Medical – dental insurance premiums/health-related expenses/ post-secondary education	123	3.2
Child/day-care/medical – dental insurance premiums	117	3.0
Medical – dental insurance premiums/health-related expenses/ primary – secondary school expenses/post-secondary education/ extracurricular activities	93	2.4
Primary – secondary school expenses only	84	2.2
Medical – dental insurance premiums/health-related expenses/ post-secondary education/extracurricular activities	82	2.1
Health-related expenses/extracurricular activities	81	2.1
Primary – secondary school expenses/extracurricular activities	71	1.8
Medical – dental insurance premiums/health-related expenses/ extracurricular activities	65	1.7
Medical – dental insurance premiums/extracurricular activities	61	1.6
Other combinations	777	20.0

[1] Total n=14,067.

[2] Percentages are based on the total number of cases in which the individual special or extraordinary expenses awarded were given (n=3,884).

Variations

As noted above, the database included 2,298 cases coded by data-capture clerks as involving variations to child support orders. In 48.5 percent (n=1,040) of cases for which data were available, the applicant was the receiving parent. The paying parent was the applicant in 44.6 percent (n=958) of cases, and in 6.9 percent (n=148) of cases, parents were cross-applicants.

Of 2,107 variation applications with valid data, 822 (39 percent) resulted in a decrease of the face value amount, while 32.2 percent resulted in an increase of the face value amount. The application was denied in 1.6 percent of cases and resulted in a termination order in 7.6 percent of cases. The outcome of the application was not stated in 19.6 percent of cases. While almost 40 percent of variation applications resulted in a decrease, changes in the tax treatment mean that a decrease in the face value amount does not necessarily mean a decrease in child support to the

receiving parent, depending on the receiving parent's income. Before the tax changes, receiving parents paid tax on child support awards, meaning that the net amount was less than the award amount if the recipient's total income was high enough to be taxable. Since child support awards are no longer taxable, a decrease in the award could result in an actual increase in the net amount for the receiving parent. However, since paying parents can no longer claim child support as a tax deduction, an increase in the face value amount always means that the paying parent pays more child support and that the receiving parent receives more support.

Out of a total of 2,099 cases in which a reason for the variation application was coded, the most common reason was the implementation of the Guidelines (26.4 percent). This was followed by "change in income" (11.2 percent), "change of custody" (9.9 percent) and "child independent" (5.5 percent). The reason for variation application was coded as "unknown/not stated" in 27.5 percent of cases. Some other reason for the application was given in 19.5 percent of cases. The amount of the original order was available for 1,634 cases, with a median of $450 (mean=$599). For cases in which the face value amount was increased, the most frequent reason given for the application was implementation of the Guidelines (43.6 percent), compared to 20.4 percent of cases resulting in a decrease of the face value amount. "Other change in circumstances" was more frequently cited as the reason for the variation application in cases when the face value amount was decreased (59.7 percent) than when the amount was increased (31.2 percent).

Of all the cases for which the reason given for the variation application was implementation of the Guidelines (n=554), 52.2 percent resulted in an increase of the award amount and 29.6 percent resulted in a decrease. When the reason for variation application was "change in income" (n=235), 20.4 percent of cases resulted in an increase in child support and 67.2 percent in a decrease of the award amount. For cases in which the reason for application was "change in custody" (n=207), 27.1 percent of applications resulted in an increase in award amount, 46.4 percent resulted in a decrease and 14.5 percent resulted in a termination order. Finally, for cases in which the reason for application was "child independent," (n=115), 7 percent resulted in an increased award, 44.3 percent resulted in a decreased award and 41.7 percent resulted in a termination order.

Figure 9.13 presents the outcome of variation applications by applicant. Of applications brought by the receiving parent, 51.5 percent resulted in an increase of the face value amount, 21.5 percent resulted in a decrease, 2 percent resulted in a termination order and 0.6 percent were denied. Of applications brought by the paying parent, 10.7 percent resulted in an increase of the face value amount, 59.7 percent resulted in a decrease of the face value amount, 13.6 percent resulted in a termination order, and 2.6 percent were denied. Of the cross-applications, the majority resulted in an increase of the face value amount (35.7 percent). Fewer cases of cross-applications resulted in a decrease (31.5 percent), termination order (8.4 percent) or denial of the application (1.4 percent).

To look at this issue from a different perspective, of the 675 variation applications in which the applicant was known and that resulted in an increase of the face value support amount, 77.6 percent were brought by the receiving parent and 14.8 percent by the paying parent; 7.6 percent were cross-applications. Of the 822 variation applications that resulted in a decrease

of the face value support amount, 26.6 percent were brought by the receiving parent and 67.9 percent by the paying parent; and 5.5 percent were cross-applications.

Adherence to Section 13 of the Child Support Guidelines

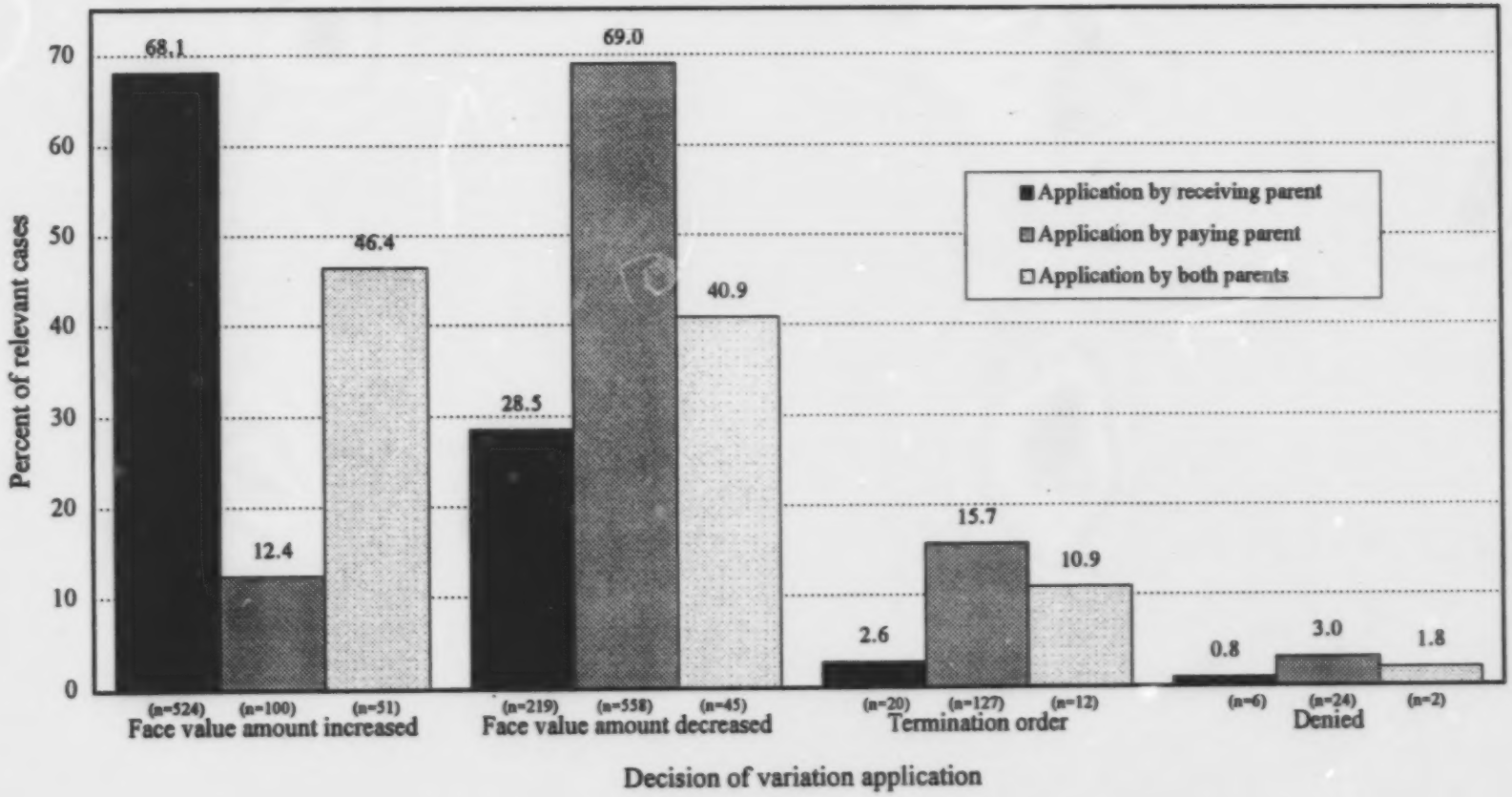
Section 13 of the Guidelines specifies information that should be included in a child support order. In the revised survey instrument used in phase 2, data-capture clerks were explicitly asked to indicate, by means of a checklist, the individual components contained in section 13 that were included in each order. Since this only applies to cases in which there was a child support order, only cases in which child support was dealt with in the order/judgment were included as the base sample (n=10,290). Figure 9.14 indicates the proportion of cases reporting the inclusion of each piece of information specified in section 13.

A substantial proportion of cases had information on both the name and the date of birth of each child to whom the order relates (86.8 percent and 84.2 percent, respectively). Almost three quarters of the cases had information on the income of any spouse whose income is used to determine the child support amount (73.7 percent) as well as and the dates on which payments are due (73.4 percent). A total of 56.3 percent of cases had the amount of child support as determined from the appropriate table.

With respect to the information required when special or extraordinary expenses are awarded, only cases with child support awards and special or extraordinary expenses were included (n=3,423). Of these cases, 72 percent were coded as having the amount or proportion of any extraordinary expense awarded. Sixty-five percent were reported as having the particulars of all special or extraordinary expenses awarded, and 54 percent reported the identity of the child to whom any special or extraordinary expense related.

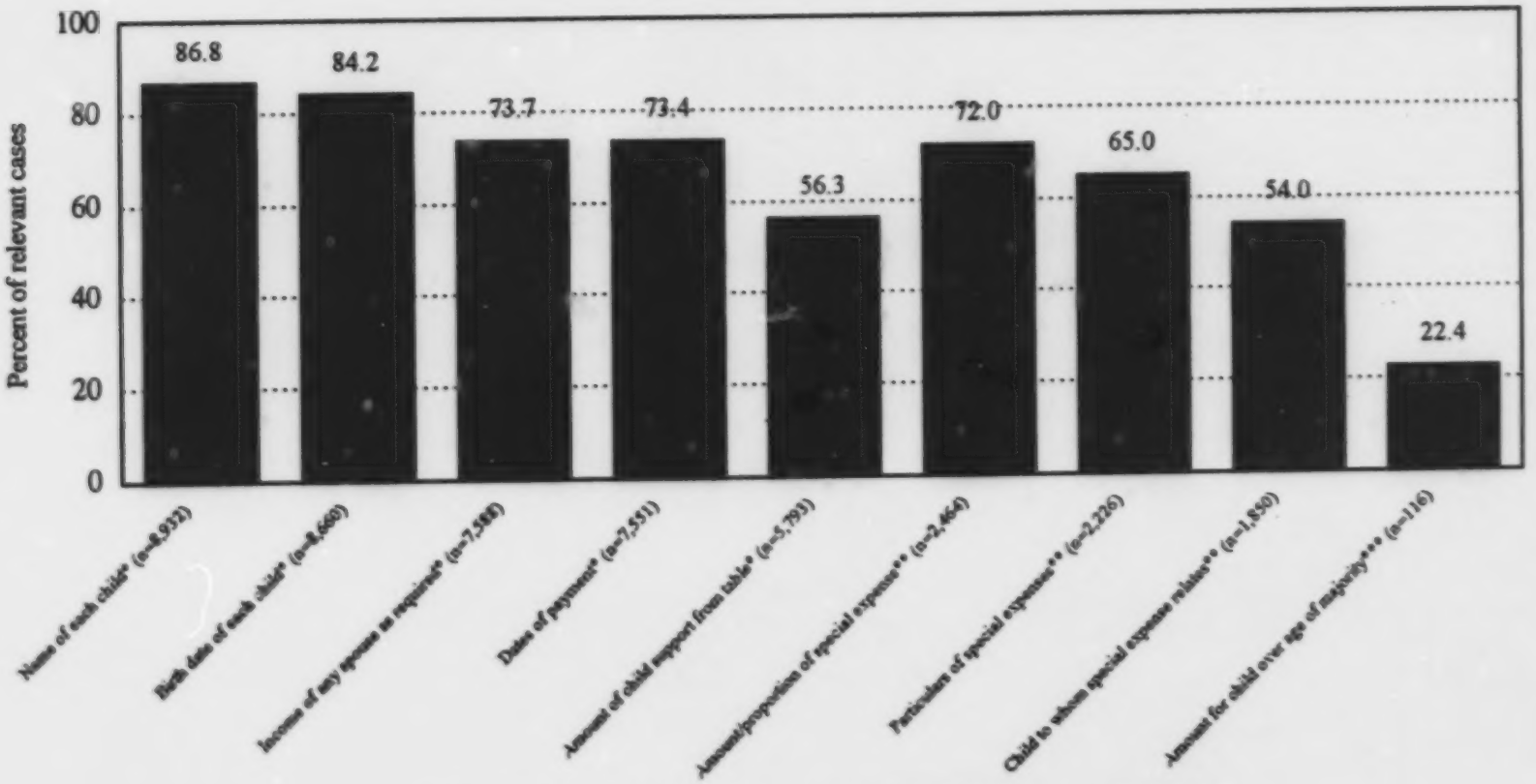
Section 13 also requires that the amount considered appropriate for any child over the age of majority be listed in a child support order. Determining compliance with this component of section 13 is problematic. Although 519 cases in the database included a child support order in the order/judgment and it was indicated that there were children treated as over the age of majority, it is probable that some unknown proportion of these children were not considered when the child support amount was determined and thus would not have an amount reported under section 13. However, this is the best base figure available for determining adherence to this component of section 13. Using this figure, a total of 22.4 percent of the cases were coded as having the amount for a child over the age of majority. For the reason noted, however, this figure should be treated with caution.

Figure 9.13: Decision of Variation Application by Applicant



Total Number of Variation Orders=2,298. Cases missing decision of variation application and/or applicant=204.
Cases in which the decision of the variation application was not stated are excluded from this analysis (n=406).

Figure 9.14: Percentage of Cases Containing Information Required by Section 13 of the Federal Child Support Guidelines



* These percentages are based on the number of cases indicating that child support was dealt with in the order/judgment (n=10,290).

** These percentages are based on the number of cases indicating child support was dealt with in the order/judgment and in which it was indicated that special or extraordinary expenses were awarded (n=3,423).

*** This percentage is based on the number of cases indicating child support was dealt with in the order/judgment and in which it was indicated that one or more children were treated as over the age of majority (n=519).

9.2 Factors Related to Child Support Awards

To more fully explore child support award amounts and their relationship to other factors, a series of secondary analyses were undertaken. Given that sole custody cases represent those in which the most straightforward application of the Child Support Guidelines would be expected, only sole custody cases (n=12,079) are analyzed in this section unless otherwise noted.

Relationship between Child Support Awards and Table Amounts Recorded in Child Support Orders

One survey item asks for the Guidelines table amount for the paying parent. Data-capture clerks were instructed to include these amounts only if they were specified in the order or judgment or supporting documentation. A total of 7,138 sole custody cases had a response coded for both the child support award amount and the table amount for the paying parent. It should be emphasized that the table amounts used for these analyses are those entered by the data-capture clerks based on information contained in the file and not on the actual published table values. Table 9.4 presents the proportion of cases reporting actual award amounts less than the table amount,[27] equal to the table amount, and greater than the table amount for all cases and also separately by income level of the paying parent. Across all cases, on the actual child support award amount was most likely to be either equal to the table amount as coded by the data-capture clerks (65 percent) or greater than the table amount (29.6 percent). Only 5.4 percent of all cases reported an award amount that was lower than the table amount. For the most part, the analysis comparing award amounts with table amounts as coded by paying parent income was consistent with the pattern observed with all cases. However, as paying parent income increased, the percentage of cases in which the award amount was greater than the table amount also tended to increase. There was also a tendency for the proportion of awards less than the table amount to increase as income increased.

[27] In order to allow for minor variations from the table amounts as coded, the child support award amount was considered to be equal to the table amount if it was within 5 percent (either higher or lower) of the table amount. Thus, an award was considered less than the table amount if it was more than 5 percent less; similarly, amounts greater than 5 percent above the award amount were considered higher than the table amount.

Table 9.4: Total Child Support Award Amount in Relation to "Table Amount"[1] by Paying Parent Income in Sole Custody Cases

Income[2]	Relationship of award to table amount[3]					
	Award less than table		Award equal to table		Award greater than table	
	n	%	n	%	n	%
$1–$14,999 (n=635)	21	3.3	439	69.1	175	27.6
$15,000–$29,999 (n=1,990)	83	4.2	1,293	65.0	614	30.9
$30,000–$44,999 (n=2,067)	120	5.8	1,312	63.5	635	30.7
$45,000–$59,999 (n=1,164)	69	5.9	765	65.7	330	28.4
$60,000–$74,999 (n=556)	43	7.7	349	62.8	164	29.5
$75,000–$149,999 (n=421)	26	6.2	249	59.1	146	34.7
$150,000 + (n=89)	11	12.4	49	55.1	29	32.6
All cases (n=7,139)[4]	383	5.4	4,642	65.0	2,114	29.6

1 This is the stated table value recorded in the order. These amounts have not been validated against the published Guidelines table amounts.

2 Missing cases on income=2,768.

3 Missing cases on award amount and/or recorded table amount = 4,941.

4 Includes cases missing data on income that had valid data on award amount and recorded table amount.

Paying Parent's Income and Child Support Award Amount

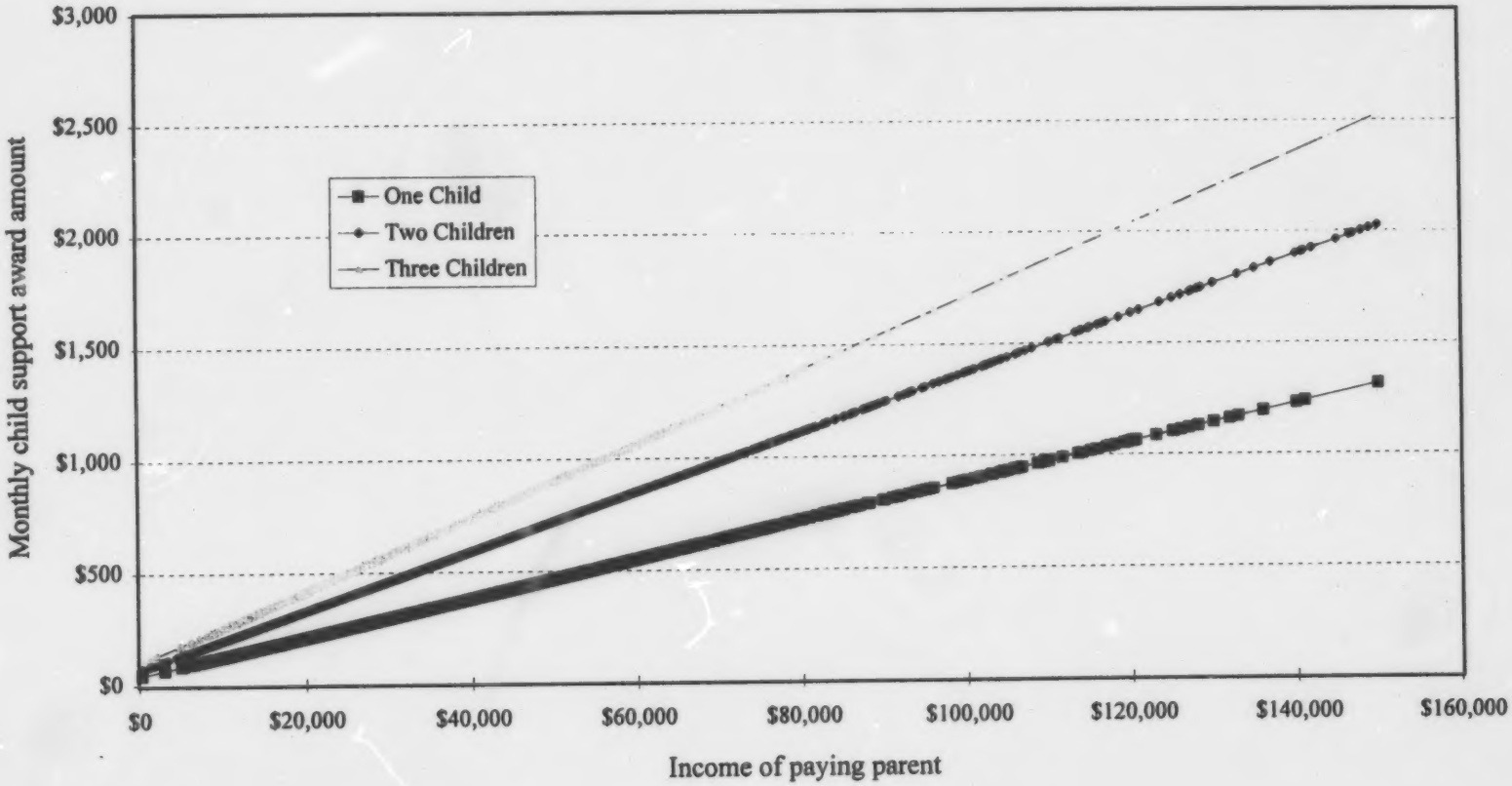
To investigate the relationship between the paying parent's income and monthly child support award amounts, a series of bivariate regression analyses was conducted.[28] Figure 9.15 plots the resulting regression lines for sole custody cases including one, two or three children. Data were not analyzed separately for cases that included more than three children due to the low numbers of these cases. The pattern of findings was quite consistent across number of children, and indicated a steady increase in the amount of child support awards as income of the paying parent increased and the number of children increased. This pattern would be expected, given that the table values increase incrementally with payer income and number of children in the case. This pattern was statistically significant for one child [F (1,3538)=4997.3, $p < .001$], two children [F (1,3759)=5646.8, $p < .001$], and three children [F (1,1004)=2581.1, $p < .001$].

Child Support Award Amounts and Legal Representation

The relationship between the paying parent's income and monthly child support award amounts was investigated by whether one or both parties had legal representation. Figure 9.16 presents the regression results for these analyses. The four regression lines representing "mother only represented," "father only represented," "both represented" and "neither represented" were essentially overlapping, indicating no significant differences in the relationship between paying parent's income and child support award amounts by whether one or both parties was represented. The relationship between monthly support amounts and paying parent incomes was statistically significant for "mother only represented" [F (1,1349)=1875.1, $p < .001$], "father only represented" [F (1,404)=637.6, $p < .001$], "both represented" [F (1,4787)=4486.0, $p < .001$] and "neither represented" [F (1,515)=881.2, $p < .001$].

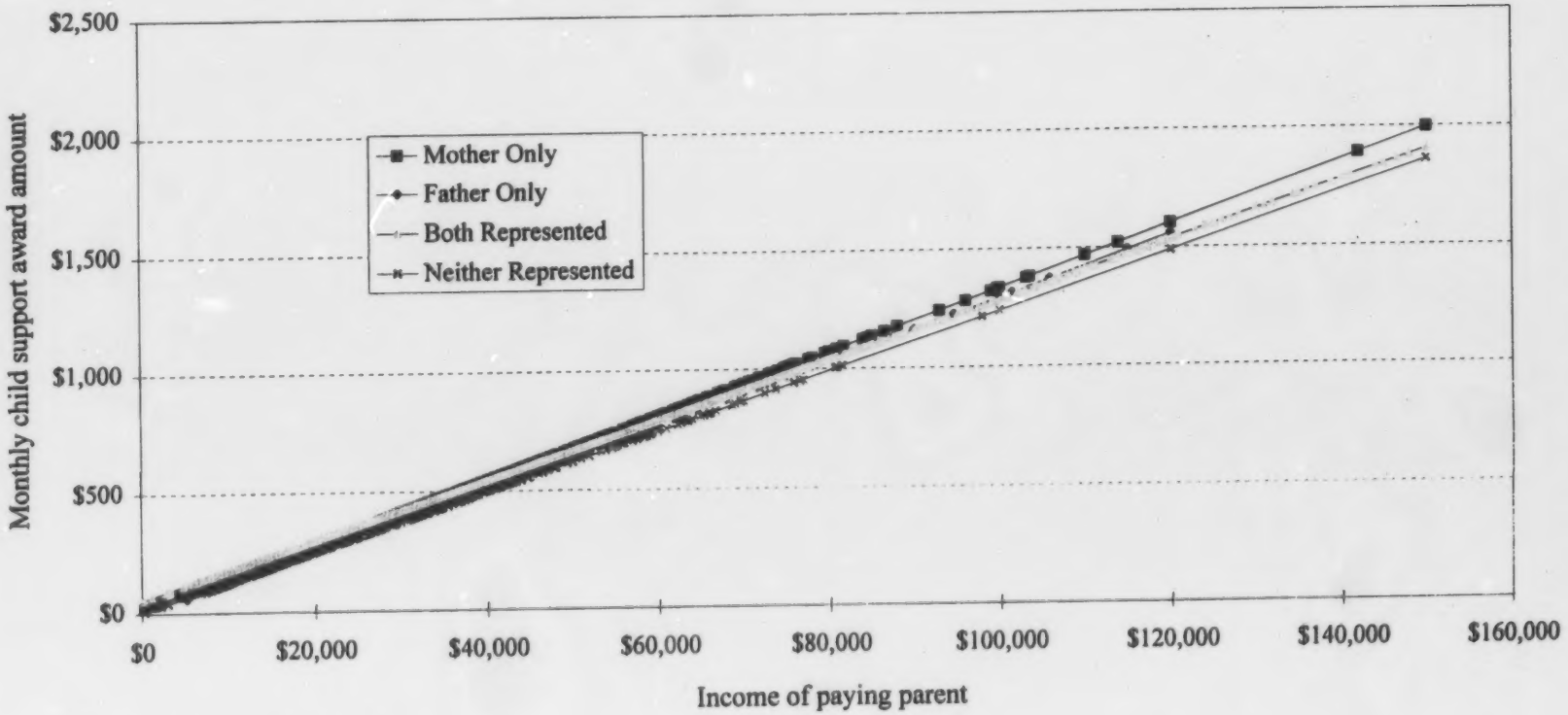
28 For all regression analyses, 44 sole custody cases with paying parent incomes over $150,000 were excluded.

Figure 9.15: Regression Analysis of Monthly Child Support Awards by Paying Parent Income in Sole Custody Cases by Number of Children



Total n=14,067. Cases analyzed = 8,307.
Sole custody cases missing data on monthly child support award amount (n=2,131) and/or paying parent income (n=2,768) are excluded from this analysis. In addition, 139 sole custody cases with paying parent income greater than $150,000 were also excluded.
n for one child = 3,540. n for two children = 3,761. n for three children=1,006.
One child: r=.77; $F(1,3538) = 4997.3$, $p<.001$. Two children: r=.78; $F(1,3759) = 5646.8$, $p<.001$. Three children: r=.78; $F(1,1004) = 2581.1$, $p<.001$.

Figure 9.16: Regression Analysis of Monthly Child Support Awards by Paying Parent Income in Sole Custody Cases by Legal Representation of Parents



Total n=14,067. Cases analyzed = 7,063.
Sole custody cases missing data on monthly child support award amount (n=2,131) and/or paying parent income (n=2,768) are excluded from this analysis. In addition, 139 sole custody cases with paying parent income greater than $150,000 were also excluded.
n for Mother only represented=1,351. n for Father only represented=406. n for both represented=4,789. n for neither represented=517.
Mother only represented: r=.76, F(1,1349)=1875.1, p<.001. Father only represented: r=.78, F(1,404) = 637.6, p<.001.
Both represented: r=.70, F(1,4787)=4486.0, p<.001. Neither represented: r=.80, F(1,515)=881.2, p<.001.

Paying Parent's Income and Special or Extraordinary Expenses

A series of analyses was conducted to examine the relationship between the paying parent's income and the award of special or extraordinary expenses in sole custody cases. Figure 9.17 presents the number and percentage of cases for each income level that had special or extraordinary expenses awarded. There was a strong tendency for the proportion of cases with special or extraordinary expenses awarded to increase as income level increased. At the lowest income level, only 13.7 percent of cases had special expenses awarded; this increased to 45.7 percent in the middle income range ($45,000–59,999) and to 53.2 percent at the highest income level.

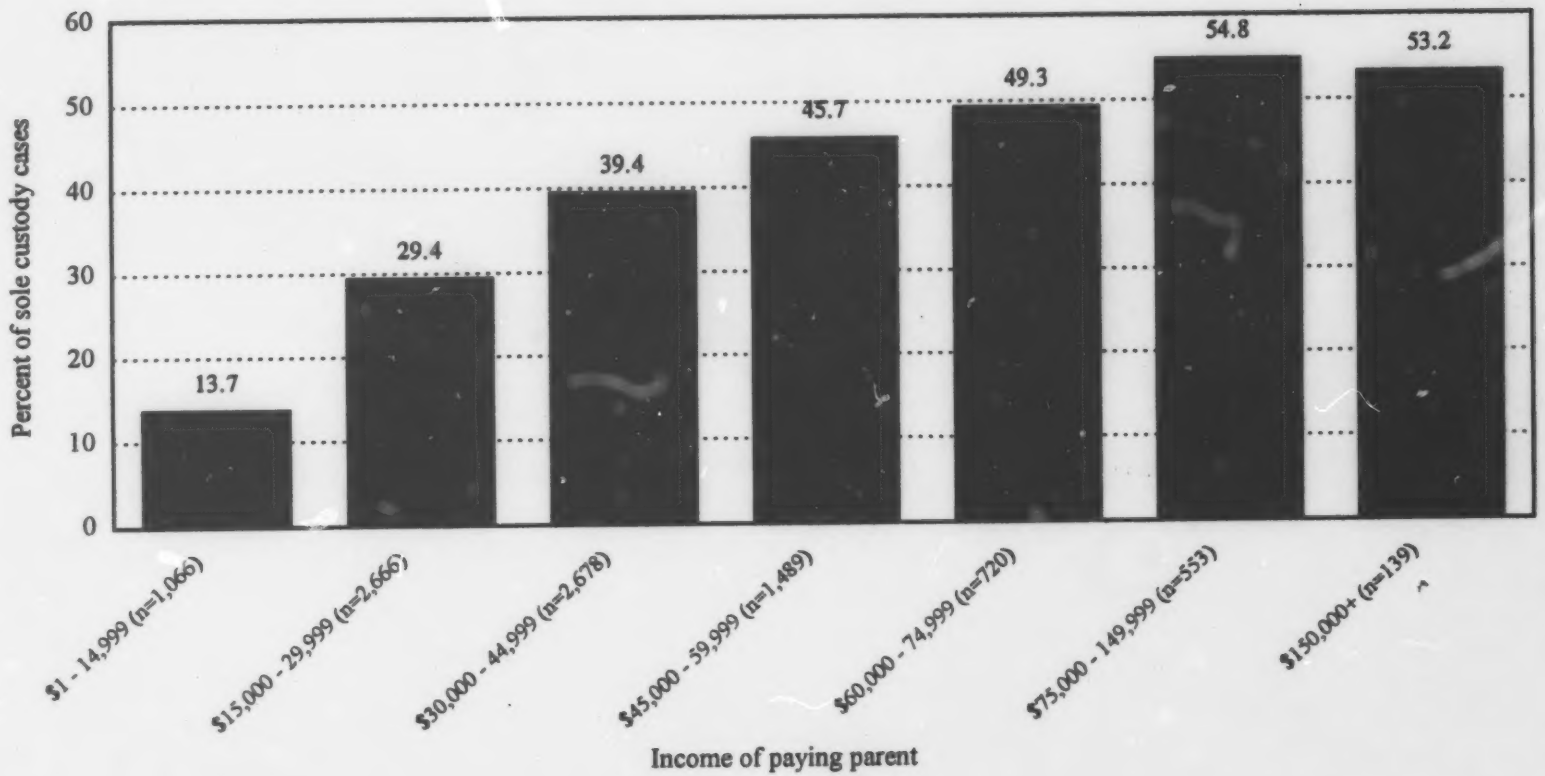
Figure 9.18 presents the median amount per month of special or extraordinary expenses (for those cases with a non-zero amount specified) at each income level. There was a consistent increase in the amount of special expenses awarded with increasing income levels. The median special expense awarded at the lowest income level was $55 (mean=$78); this amount increased to $125 (mean=$167) at the middle income level ($45,000–59,999) and to $320 (mean=$433) at the highest income level.

Child Support Award Amounts and Special or Extraordinary Expenses

A regression analysis was conducted to examine the relationship between the paying parent's income and the monthly child support award amount according to whether special or extraordinary expenses were awarded. It should be noted that the total child support amount should represent the base table amount plus any adjustments for the award of special or extraordinary expenses. In cases when special or extraordinary expenses were awarded but only a proportion was to be paid by the paying parent (and with no amount listed or only a lump sum or annual award for special expenses noted), the child support award amount likely does not include the special or extraordinary expenses. This means that the difference in award amounts observed between cases with special or extraordinary expenses and those not having these expenses will appear artificially lowered.

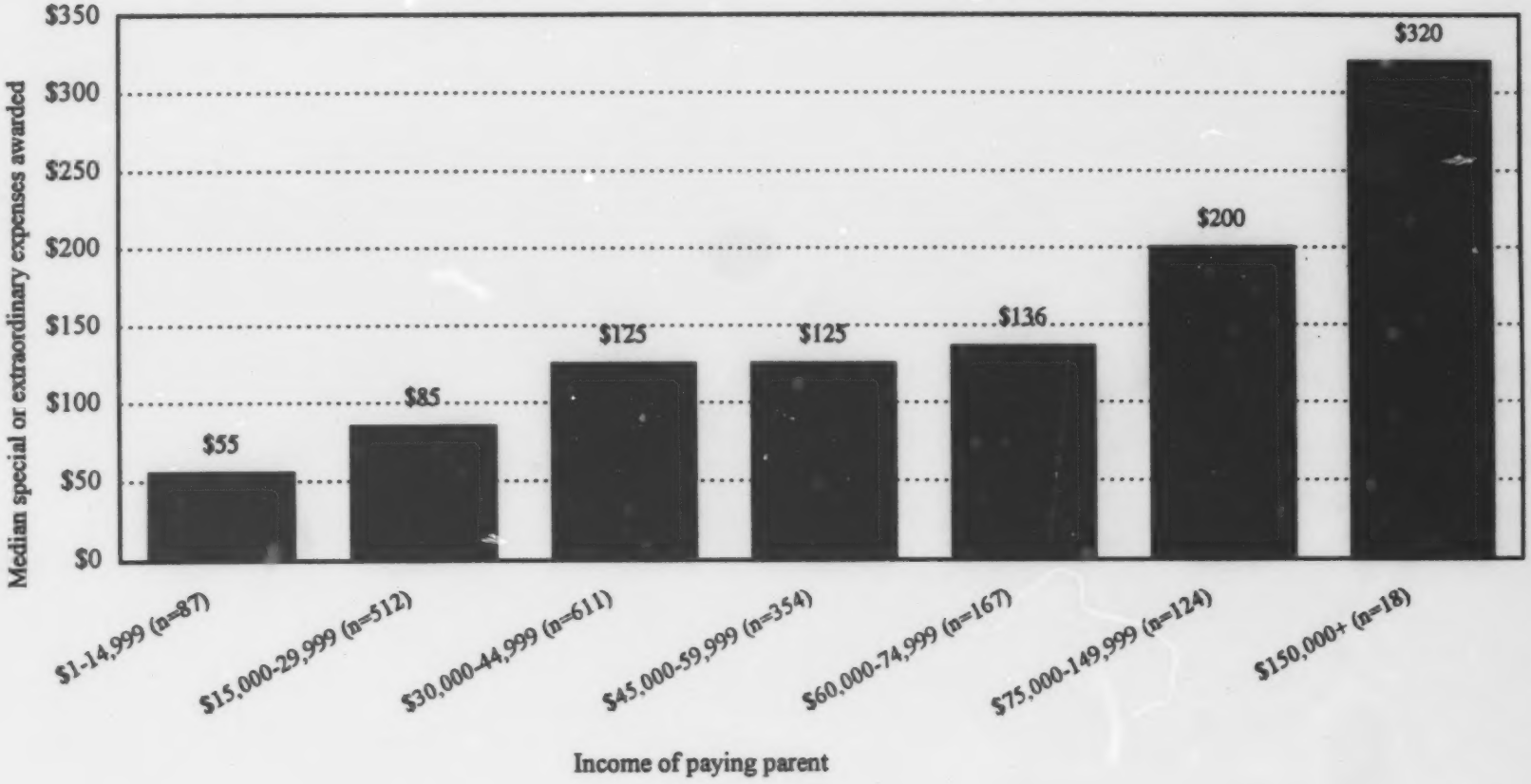
Figure 9.19 presents the results of the regression analysis. At lower income levels, total child support amounts awarded were slightly higher for cases in which special or extraordinary expenses were awarded than for cases not having these expenses. However, the total support amounts for cases having expenses and those for which they were not awarded were quite similar at higher income levels. The relationship between the paying parent's income and the total child support awards was statistically significant for cases in which special expenses were awarded [$F\,(1,3226)=3083.2, p < .001$] and for cases in which special expenses were not awarded [$F\,(1,5074)=5567.5, p < .001$]. Follow-up analyses indicated that for paying parent incomes of $106,700 and above, there were no significant differences in the monthly support amounts whether or not special or extraordinary expenses were awarded.

Figure 9.17: Percentage of Cases Having Special or Extraordinary Expenses Awarded, by Income of Paying Parent in Sole Custody Cases



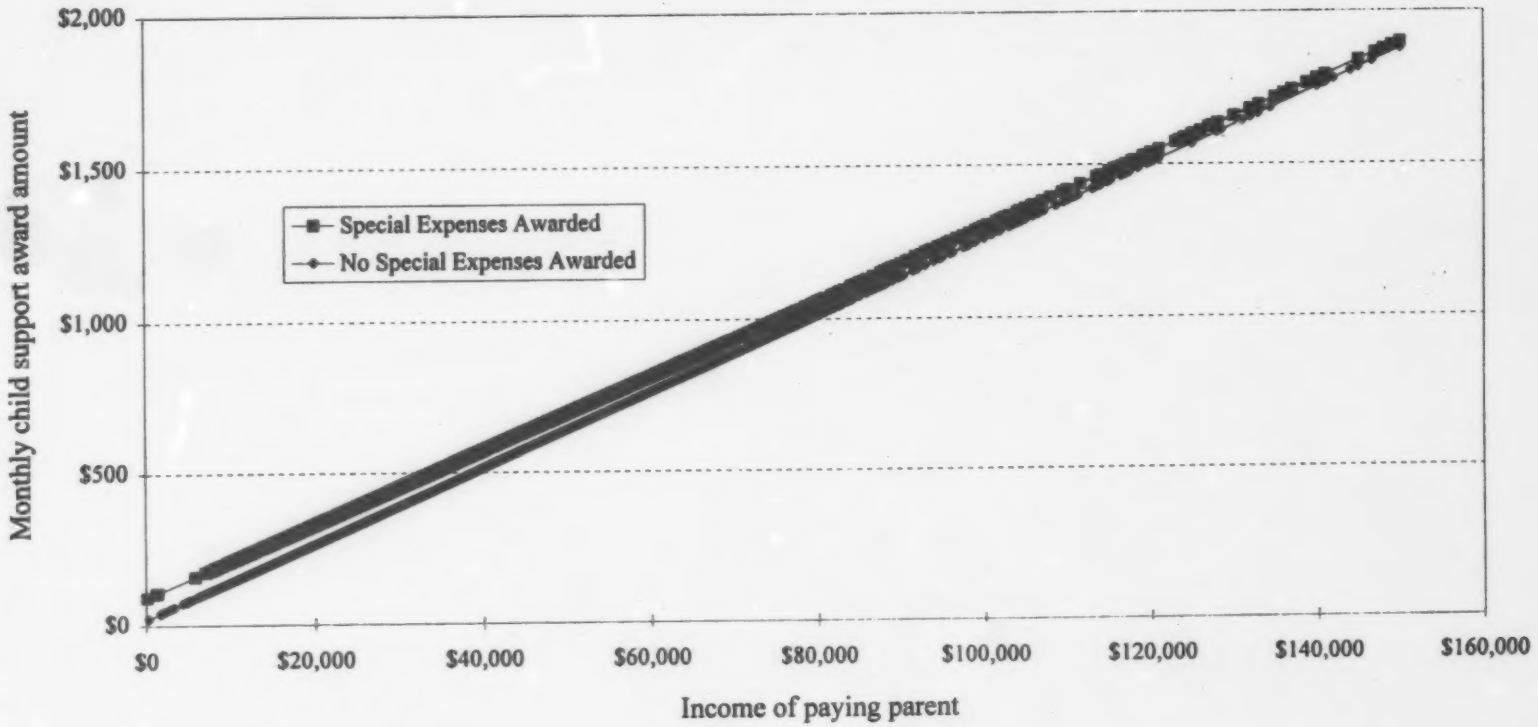
Total n=14,067. Cases analyzed=9,311.
Sole custody cases with missing data on paying parent income (n=2,768) are excluded from the analysis.

Figure 9.18: Median Special or Extraordinary Expenses Awarded per Month by Paying Parent Income for Sole Custody Cases Where Dollar Value Stated for Special Expenses



Total n=14,067. Cases analyzed=1,873.
Sole custody cases with missing data on paying parent income (n=2,768) and/or monthly amount of special or extraordinary expenses (n=10,139) are excluded from this analysis.

Figure 9.19: Regression Analysis of Monthly Child Support Awards by Paying Parent Income in Sole Custody Cases by Whether Special Expenses were Awarded



Total n=14,067. Cases analyzed=8,304.
Sole custody cases missing data on monthly child support award amount (n=2,131) and/or paying parent income (n=2,768) are excluded from this analysis. In addition, 139 sole custody cases with paying parent income greater than $150,000 were also excluded.
n for special expenses awarded=3,228. n for no special expenses=5,076.
Special expenses awarded: r=.70; $F(1,3226)$=3083.2, p<.001. No special expenses awarded: r=.69; $F(1,5074)$=5567.5, p<.001.

10.0 CONCLUSIONS

As noted in section 8.2 above, the information available to data-capture clerks varies widely across the court sites participating in this project. For example, clerks in some areas have available to them the entire file documenting all activities in a particular case, while clerks in other areas may have ready access only to the final order or judgment. Despite this limitation of the data collected for this phase of the project, a reliable database currently consisting of more than 14,000 cases has been generated in phase 2. This database provides much insight into the implementation and use of the Federal Child Support Guidelines.

In particular, the data support the conclusion that the stated objective of the Child Support Guidelines to "establish a fair standard of support for children that ensures that they continue to benefit from the financial means of both spouses after separation" is being met. Results show that:

- 56 percent of cases explicitly stated that the Child Support Guidelines were followed in determining award amounts, with a strong likelihood that a substantial additional proportion of cases also used the Guidelines.

Results also show that in a majority of cases, the actual award amount is equal to or higher than that specified in the Guidelines. Thus:

- 65 percent of cases had child support award amounts that were equal to the amounts specified in the Guidelines tables as specified in the order or judgment. This indicates a high degree of predictability of child support amounts for cases in similar circumstances;

- 30 percent of cases reported child support amounts greater than those specified in the Guidelines tables, suggesting that in many cases, judges are viewing the table amount as a "floor" that needs to be increased if warranted by the circumstances of a particular case; and

- only 5 percent of cases report child support award amounts that were lower than the amount specified in the Guidelines tables.

The data also support the conclusion that the stated objective of the Child Support Guidelines to "ensure consistent treatment of spouses and children who are in similar circumstances" is being met. Results show that:

- the amount of child support awards steadily increased as paying parents' incomes increased; and that

- income information was available in a substantial percentage of cases (76 percent for paying parents and 44 percent for receiving parents), indicating that disclosure of financial information is occurring in most cases in a manner specified by the Guidelines.

The low proportion of contested cases (12.2 percent of cases) also provides some limited evidence that the objective to "reduce conflict and tension between spouses by making the calculation of child support orders more objective" is also being met. However, without baseline

measures of these variables prior to implementation of the Child Support Guidelines, we cannot state with certainty that the Guidelines have resulted in lower levels of conflict and tension.

Another important point to be made is that the results of the current report are very similar to those found in the first report of phase 2 of the Survey of Child Support Awards. For example, in the first phase 2 report:

- 84.6 percent of cases were consent or uncontested (in the present report this figure was 86.8 percent);
- 9.6 percent of cases had a spousal support amount (10 percent of cases in the current report);
- monthly child support award amounts were available for 78.8 percent of all cases (the comparable figure in the present report was 79 percent); and
- special or extraordinary expenses were awarded in 31.2 percent of all cases (31.4 percent of cases in the current report).

The consistency of findings in these two reports provides strong evidence that the database represents an accurate description of the cases at the participating court locations. While there are some provincial/territorial differences in the types of cases and how they are processed (as indicated in the tables in Appendix C), this is probably to be expected in a country as vast as Canada, with its resulting inevitable regional differences.

APPENDIX A

SURVEY INSTRUMENT

Child Support Awards Data Collection Project

Form Completed: ☐☐☐☐☐☐ (yy) (mm) (dd) **Data Capture Person (Surname, Initial):** _____

What source documents did you use to complete this form? Please mark all that apply. (Income information in financial statements should only be used if the annual income used to determine amount of award is not indicated in any other source.)

1☐ Final order/judgment
2☐ Minutes of settlement
3☐ Separation agreement
4☐ Financial statement(s)
5☐ Previous order(s)
6☐ Affidavit(s)
7☐ Other (specify): _____

A CASE CHARACTERISTICS

1. Court File No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐ **2. Court Identifier:** ☐☐☐☐

3. Type of Order

3.0 Was This Case Under:

1☐ Federal legislation (Complete 3.1 OR 3.2)
2☐ Provincial/territorial legislation (Complete 3.3 AND 3.3a)
3☐ Unknown

3.1 Divorce Order/Judgment Under Federal Legislation:

1☐ Interim child support order
2☐ Divorce order/judgment including child support order
3☐ Divorce order/judgment only – silent on child support
4☐ Other (specify):_____

3.2 Variation Order Under Federal Legislation:

1☐ Interim variation order
2☐ Variation order
3☐ Other (specify):_____

3.3 Order Under Provincial/Territorial Legislation:

1☐ Interim order
2☐ Final order
3☐ Variation order
4☐ Other (specify):_____

3.3a For Provincial/Territorial Orders, Were the Parties:

1☐ Married
2☐ Divorced
3☐ Cohabiting/Living common law
4☐ Never cohabited/Never lived common law
5☐ Unknown/Not stated

4. Disposition of Order:

1☐ Consent
2☐ Uncontested
3☐ Contested
9☐ Unknown

5. Legal Representation for:

5.1 Mother	5.2 Father	5.3 Government Agency:
1☐ Yes	1☐ Yes	1☐ Yes
2☐ No	2☐ No	2☐ No
9☐ Unknown	9☐ Unknown	9☐ Unknown

6. Date of Decision: ☐☐☐☐☐☐ (yy) (mm) (dd)

6.1 Date Issued and Entered: ☐☐☐☐☐☐ (yy) (mm) (dd)

7. Issues Dealt With in Order/Judgment (mark all that apply):

1☐ Child support
2☐ Custody
3☐ Access
4☐ Spousal support
5☐ Arrears
6☐ Award termination provision
7☐ Cost of living (inflation) clause
8☐ Review clause
9☐ Other (specify):_____

7.1 Issues Dealt With in Supporting Documents (mark all that apply):

1☐ Child support
2☐ Custody
3☐ Access
4☐ Spousal support
5☐ Arrears
6☐ Award termination provision
7☐ Cost of living (inflation) clause
8☐ Review clause
9☐ Other (specify):_____

Court File No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐ **Court Identifier:** ☐☐☐☐

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8. Access Terms *(if any)*

1☐ Reasonable/liberal
2☐ Supervised visiting
3☐ Information/no visiting
4☐ No information/no visiting
5☐ Scheduled/specified
6☐ Other (specify) _____
9☐ Unknown

9. Spousal Award Amount: $ ☐☐☐,☐☐☐,☐☐☐**.00**

1☐ No award
2☐ Lump Sum payment
3☐ Monthly payments
4☐ Yearly payments
5☐ Other (specify):_____
9☐ Unknown /not stated

9.1 Paying Spouse:

1☐ Wife
2☐ Husband

10. Province of Residence of Parents: Mother ☐☐ Father ☐☐

01 Newfoundland 02 Prince Edward Island 03 Nova Scotia 04 New Brunswick 05 Québec 06 Ontario 07 Manitoba 08 Saskatchewan 09 Alberta 10 British Columbia 11 Yukon 12 Northwest Territories 13 Nunavut 88 Outside Canada 90 Not stated on order 99 The whereabouts of the parent is unknown to the court

10.1 Number of Children in Case: ☐☐

10.1a Number of Children Treated as Under Age of Majority: ☐☐

10.1b Number of Children Treated as Over Age of Majority: ☐☐

11. Principal Residence of Each Child and Child's Year of Birth:

With:	Child #1	Child #2	Child #3	Child #4	Child #5	Child #6
Mother	☐☐ (yy)	☐☐ (yy)	☐☐ (yy)	☐☐ (yy)	☐☐ (yy)	☐☐ (yy)
Father	☐☐ (yy)	☐☐ (yy)	☐☐ (yy)	☐☐ (yy)	☐☐ (yy)	☐☐ (yy)

Both	☐☐ (yy)	☐☐ (yy)	☐☐ (yy)	☐☐ (yy)	☐☐ (yy)	☐☐ (yy)
Other	☐☐ (yy)	☐☐ (yy)	☐☐ (yy)	☐☐ (yy)	☐☐ (yy)	☐☐ (yy)
Not stated	☐☐ (yy)	☐☐ (yy)	☐☐ (yy)	☐☐ (yy)	☐☐ (yy)	☐☐ (yy)

12. Type of Custody Arrangements under the Guidelines:

1☐ Sole custody - Mother
2☐ Sole custody - Father
3☐ Shared custody
4☐ Split custody
5☐ Custody granted to other (specify):_____
6☐ No order
7☐ Other arrangements (please explain):_____
9☐ Unable to determine/Unknown

B AWARD AMOUNT

13. Total Child Support (Award) Amount (complete all that apply):

$☐☐☐,☐☐☐.00 1☐ Per month
$☐☐☐,☐☐☐.00 2☐ Per year
$☐☐☐,☐☐☐.00 3☐ Lump sum
$☐☐☐,☐☐☐.00 4☐ Other (specify):_____
5☐ Amount is $0.00
6☐ Amount contingent on future circumstances
7☐ No award
9☐ Amount is unknown/not stated

13.1 Paying Parent: 1☐ Mother 2☐ Father 3☐ Not applicable 4☐ Other (specify): _____

Court File No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐ **Court Identifier:** ☐☐☐☐

14. Annual Income(s) used to Determine Table Amounts OR for Determining a "Different Amount":

14.1 Paying parent: $☐☐☐,☐☐☐,☐☐☐.00 9☐ Not stated
14.2 Recipient parent: $☐☐☐,☐☐☐,☐☐☐.00 9☐ Not stated

Source of Income Information if Other than Order/Judgment: _____

15. Annual Income(s) used to Determine Each Parent's Share of Special Expenses:

1☐ Not Applicable

15.1 Paying parent: $☐☐☐,☐☐☐,☐☐☐.00 9☐ Not stated
15.2 Recipient parent: $☐☐☐,☐☐☐,☐☐☐.00 9☐ Not stated

Source of Income Information if Other than Order/Judgment: _____

16. How was Award Amount Determined?

1☐ Federal Child Support Guidelines used

2☐ "Different amount" determined as per Section 15.1(5), 15.1(7), 17(6.4) or 17(6.5) of the *Divorce Act*

3☐ Provincial Child Support Guidelines used

4☐ Support order or agreement is present, but there is no indication of how it was calculated

5☐ Divorce judgment is silent on support, but a previous order or separation agreement regarding child support is filed with the motion for divorce judgment. Please provide the date of the prior order or agreement: ☐☐☐☐☐☐ (yy) (mm) (dd)

9☐ Unknown/not stated

17. Other child support award amount determined as per _____

_____

Reasons noted in order or judgment (*if any*) in cases where Child Support Guidelines were not followed or if there was a $0.00 award amount: _____

_____

18. For all post-May 1997 orders/judgments, which of the following information was contained in the order? (mark all that apply)

1☐ Name of each child to whom the order relates

2☐ Birth date of each child to whom the order relates

3☐ Income of any spouse whose income is used to determine the amount of the child support order

4☐ Amount of child support determined from the appropriate table for the number of children to whom the order relates

5☐ Amount considered appropriate (not the table amount) for a child the age of majority or over

6☐ Particulars of all special or extraordinary expenses awarded

7☐ Child to whom any special or extraordinary expense relates

8☐ The amount of any special or extraordinary expense or, where that amount cannot be determined, the proportion to be paid in relation to the expense

9☐ Date on which the lump sum or first payment is payable and the day of the month or other time period on which all subsequent payments are to be made

C DETAILED INFORMATION ON GUIDELINE COMPONENTS

C.1 Table Amount

19. Table Amount for *Paying* Parent as Stated in the Order or Other Supporting Documents: $☐☐,☐☐☐.00 **Per month**

1☐ Not applicable

9☐ Unknown/not stated

20. If Custody is Shared or Split - Table Amount for *Recipient* Parent as Stated in the Order or Other Supporting Documents:

$☐☐,☐☐☐.00 **Per month**

1☐ Not applicable

9☐ Unknown/not stated

Court File No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐ **Court Identifier:** ☐☐☐☐

21. Discretionary Award Amount for Each Child *at or over* the Age of Majority (Reference: Guidelines Section 3(2)(b)):

IF THERE ARE ANY CHILDREN AT OR OVER THE AGE OF MAJORITY AND IF THEY WERE NOT INCLUDED WHEN DETERMINING THE TABLE AMOUNT FOR ALL THE CHILDREN, PLEASE INDICATE THE AWARD AMOUNT FOR EACH OF THESE CHILDREN, AND THE RELEVANT CHILD (USING THE NUMBERING FROM QUESTION #11)

Child # ___ $ ☐☐☐,☐☐☐.00 Per month

Child # ___ $ ☐☐☐,☐☐☐.00 Per month

Child # ___ $ ☐☐☐,☐☐☐.00 Per month

C.2 Special or Extraordinary Expenses

22. Special or Extraordinary Expenses Awarded Under Section 7 of the Guidelines:

1☐ Yes - Paying parent's share of special or extraordinary expenses is (complete all that apply):

$ ☐☐☐,☐☐☐.00 1☐ Per month

$ ☐☐☐,☐☐☐.00 2☐ Per year

$ ☐☐☐,☐☐☐.00 3☐ Lump sum

$ ☐☐☐,☐☐☐.00 4☐ Other (specify): _____

AND/OR if actual amount is not available, paying parent's proportion of special or extraordinary expenses: ☐☐☐.0 %

2☐ Yes – But award amount and/or proportion is not stated

3☐ None - No special or extraordinary expenses awarded

23. Process for Determining Special or Extraordinary Expenses:
Expense categories designated in Section 7 of the Child Support Guidelines

Check all that apply:		Amount Specified	Proportion Specified
23.1☐	Child care/day care	☐ Yes	☐ Yes
23.2☐	Portion of the medical and dental insurance premiums for the child	☐ Yes	☐ Yes
23.3☐	Health-related expenses	☐ Yes	☐ Yes
23.4☐	For primary or secondary school education or any educational programs	☐ Yes	☐ Yes
23.5☐	Expenses for post-secondary education	☐ Yes	☐ Yes
23.6☐	Extraordinary expenses for extracurricular activities	☐ Yes	☐ Yes

Comments _____

_____

_____

24. **"Other" arrangements outside Section 7** (*indicate all information available*): _____

C.3 Undue Hardship

25. **Applied for by:** 1☐ Not applicable 2☐ Paying parent 3☐ Recipient parent 4☐ Both

26. **Were Incomes of Other Household Members Used in Standard of Living Test?**

1☐ Yes 2☐ No 3☐ Not stated

Court File No. ☐☐☐☐☐☐☐☐☐☐☐☐☐☐ **Court Identifier:** ☐☐☐☐

27. **Outcome of Undue Hardship Application:**

1☐ Denied

2☐ *Increase* of guideline amount - (*if available, amount of increase*): $☐☐,☐☐☐.00 **Per month OR**

3☐ *Decrease* of guideline amount - (*if available, amount of decrease*): $☐☐,☐☐☐.00 **Per month**

9☐ Unknown/not stated

28. **"Reasons" Noted in Order or Judgment (Section 10(6) of Guidelines)** (*if any*): _____

D VARIATIONS

IF THIS ACTION IS A VARIATION TO A PREVIOUS CHILD SUPPORT ORDER, PLEASE ALSO COMPLETE THE FOLLOWING:

29. **Applicant:** 1☐ Paying parent 2☐ Recipient parent 3☐ Both (cross-application)

30. **Reasons for Variation:**

1☐ Implementation of Guidelines (section 14(c))

2☐ Other change of circumstances (Section 14(a) or (b) - specify): _____

(NOTE: If this change is the result of an undue hardship application, have you completed Section C.3 above?)

9☐ Unknown/not stated

31. **Date of Original Order:** ☐☐☐☐☐☐ (yy) (mm) (dd) 9☐ Unknown/not stated

32. **Amount of Original Award:** $☐☐,☐☐☐.00 **Per month** 9☐ Unknown/not stated

32.1 Indicate whether the original order was for:

1☐ Child support only
2☐ Child and spousal support combined
9☐ Unknown whether it was for child support only or child and spousal support combined

33. Decision:

1☐ Face-value amount increased
2☐ Face-value amount decreased
3☐ Denied
4☐ Termination order
9☐ Not stated whether increased or decreased

34. Comments Noted in Order or Judgment (if any): _____

_____

If you have any questions about a particular case that are not dealt with in the coding manual, please call the Child Support Help Line at

1-888-881-4273

11/24/98

APPENDIX B

CODING MANUAL

Child Support Awards Data Collection Project
Coding Manual

Rules for Inclusion: All court decisions under the federal *Divorce Act* regarding divorce, child support, and/or variation of child support in which children are present, i.e., all interim child support orders in divorce files; final divorce judgments that specifically incorporate separation agreements, minutes of settlement or previous court orders; final divorce judgments which are silent on child support even though children are involved; orders varying divorce judgments; and corollary relief orders. For final divorce orders and judgments, the survey should be completed after the order has been issued and entered. For variations and interim orders, the form should be completed following a judicial decision.

For jurisdictions also collecting data on orders based on provincial/territorial legislation, all cases in which children are present that deal with child support and/or access and/or custody should be included. Please note that Question 3 will distinguish between orders/judgments based on federal legislation and those based on provincial/territorial legislation. Information about whether a case is proceeding under federal or provincial legislation should be contained in the order or judgment. If this information is not found in these documents, it should be found in the application/statement of claim.

As much information as possible should be taken from the order/judgment. Occasionally information required to complete the survey is not contained in the order/judgment but is available in other supporting documents contained in the file (e.g., separation agreements, minutes of settlement, affidavits). In these cases, please use this information to complete the survey, except for questions (as noted on the data collection software/form and in this manual) that specifically require information to be collected from the order/judgment.

Note: For purposes of completing this survey, "mother" includes biological mother or step-mother, and "father" includes biological father or step-father.

Description of Data Elements

Case Coded: Alphanumeric 8-digit date field
Enter the date this case was coded
Data Capture Person (Surname, Initial):_____
Print the surname and first initial of the person completing the survey

Name: **What source documents did you use to complete this survey? please mark all that apply. (Income information in financial statements should only be used if the annual income used to determine amount of award is not indicated in any other source.)**

Description: Possible sources of information used to complete survey. All sources used should be marked. Note that prior interim orders and provincial orders should be included under option "5" – "Previous order(s)". Any additional information used to complete the survey such as corollary relief orders and provisional orders should be specified under "Other".

Format: Check field

Value Range:
1. Final order/judgment
2. Minutes of settlement
3. Separation agreement
4. Financial statement(s)
5. Previous order(s)
6. Affidavit(s)
7. Other (specify): _____

A CASE CHARACTERISTICS

1. Name: Court File No.

Description: The unique identifier assigned to the case by the court

Format: Alphanumeric 15-digit field, left justified.

2. Name: Court Identifier

Description: Four-digit prefix used by the Central Divorce Registry (CDR) to identify court locations.

Format: Alphanumeric 4-digit field

Value Range:
First 2 digits: Province/Territory Identifier
Last 2 digits: Court no. within province

3. Name: Type of Order

3.0 Name: Was This Case Under:

Description: Distinction made between cases proceeding under federal legislation and those proceeding under provincial/territorial legislation. Information to complete this item should be contained in the order/judgment; if the information is not in these documents, it should be contained in the application/statement of claim. For cases proceeding under federal legislation, question 3.1 OR question 3.2 should be completed. For cases proceeding under provincial/territorial legislation, question 3.3 AND question 3.3a should be completed.

Format: Check Field

Value Range: 1. Federal legislation
2. Provincial/territorial legislation
3. Unknown

For Questions 3.1, 3.2, and 3.3:

Check only the most recent decision/action stage of the process. The decision or order may reference previous minutes of settlement, prior orders, and/or a separation agreement adopted in the order.

3.1 Name: Divorce Order/Judgment Under Federal Legislation

Description: Type of Divorce Order/Judgment

Complete this item for both interim and final child support orders made under the federal *Divorce Act*. If the divorce judgment is silent on the issue of child support, but a prior court order or separation agreement dealing with child support is filed with the motion for a divorce judgment, complete the rest of the survey as though the prior court order or separation agreement for child support were part of the divorce judgment.
A number of cases involve divorce judgments only, and are silent on child support Such cases should be included under value "3-Divorce order/judgment only – silent on child support". Corollary relief orders, provisional orders, and reserved child support orders should be coded under value "4-Other – (specify)" and the specifics written in the blank.

Format: Check field

Value Range: 1. Interim child support order
2. Divorce order/judgment including child support order
3. Divorce order/judgment only – silent on child support
4. Other (specify):_____

3.2 Name: Variation Order Under Federal Legislation

Description: Type of Variation Order

Complete this item for both interim and final variation orders made under federal legislation.

Format: Check field

Value Range: 1. Interim variation order
2. Variation order
3. Other (specify):_____

3.3 Name: Order Under Provincial/Territorial Legislation

Description: Type of Order made under Provincial/Territorial Legislation

For jurisdictions collecting data on orders based on provincial/territorial legislation, complete this item for cases involving children in which the order dealt with child support and/or access and/or custody. Complete this item for interim orders, final orders, and variation orders.

Format: Check field

Value Range:
1. Interim order
2. Final order
3. Variation order
4. Other (specify):_____

3.3a Name: For Provincial/Territorial Orders, Were the Parties:

Description: Marital Status of the Parties

Complete this item only for orders based on provincial/territorial legislation. Indicate whether the parties to the action are legally married, divorced, cohabiting/living common law, or never cohabited/never lived common law at the time of the action.
Only select "1-Married" or "2-Divorced" in cases where the child who is the subject of the action is a child of the marriage of the parties. If the child who is the subject of the action is not a child of the marriage of the parties, select either"3-Cohabiting/Living common law" or "4-Never cohabited/Never lived common law" depending on the living arrangements of the parties. Since definitions of cohabiting/living common law differ across jurisdictions, use the definition commonly used in your province/territory.

Format: Check field

Value Range:
1. Married
2. Divorced
3. Cohabiting/Living common law
4. Never cohabited/Never lived common law

4. Name: Disposition of Order:

Description: Data will usually be found in the Preamble of the order.
Check "1-consent" if it is clear that both parties consented to the order.
Check "2-uncontested" if it is clear that the judge had to make a finding in the absence of the respondent or if the preamble states the finding was made by default.

Check "3-contested" if it is clear that the judge had to make a finding based on involvement/argumentation of both parties.
There are some cases where it may be indicated that consent was given as to the form but not content of the order. These cases, in which a judge had to make a decision about content, would be contested.
Check "9-unknown" if the disposition of the order is not clear.

Format: Check field

Value Range:
1. Consent
2. Uncontested
3. Contested
9. Unknown

5. Name: Legal Representation for:

Description: Whether parties to the action were represented by legal counsel at any stage of the proceedings.
If there is any indication of legal representation for either or both parents in the court order, the minutes, prior orders, and/or separation agreements, answer "1-yes". If there is indication that the person acted on their own behalf or refused independent legal advice, answer "2-no". Otherwise select "9-unknown".
In Variation orders government agencies may have intervenor status. If any government agency has status in this action, please check off the "1-yes" category under "Government agency." Examples of government agencies that may be involved include: Maintenance Enforcement agencies or Social Service/Social Welfare agencies.
For the purposes of this study, if only duty counsel (lawyer located at court) or mediators are involved, this in itself does not qualify as legal representation for the spouses.

Format: Check fields

	5.1 Mother	**5.2** Father	**5.3** Government Agency
Values:	1. Yes	1. Yes	1. Yes
	2. No	2. No	2. No
	9. Unknown	9. Unknown	9. Unknown

6. Name: Date of Decision

Description: Date of a judicial decision about child support. In most cases, this will be the same as the date of endorsement.
If the decision is silent on child support, the date is still the date of the divorce judgment.

Format: Alphanumeric 8-digit date field

Value Range:	Field Position	Description	Example
	1-4	Year	1996
	5-6	Month	04 (for April)
	7-8	Day	16 (for the 16th)

The range for month is 01-12. The range for days is 01-31

6.1 Name: Date Issued and Entered

Description: Date on which the order/judgment was issued and entered. For interim orders and variations that may not be issued and entered, this item should be left blank.

Format: Alphanumeric 8-digit date field

Value Range:	Field Position	Description	Example
	1-4	Year	1996
	5-6	Month	04 (for April)
	7-8	Day	16 (for the 16th)

7. Name: Issues Dealt with in Order/Judgment

Description: Indicate issues dealt with in this order/judgment. Some files may include other documents such as separation agreements or prior orders in addition to the final order/judgment. The documents should only be considered as forming part of the order/judgment if there is clear indication in the order/judgment that these documents have been incorporated into it (e.g., by specific reference to the prior agreement or order). Otherwise, these documents should be considered supporting and used when answering question 7.1 below. Please mark all that apply. A review clause would include such requirements as an annual review of the paying parent's income. For spousal support, only include support awards involving money.

Format: Check field

Value Range:
1. Child support
2. Custody
3. Access
4. Spousal support
5. Arrears
6. Award termination provision
7. Cost of living (inflation) clause
8. Review clause
9. Other (specify)

7.1 Name: **Issues Dealt With in Supporting Documents**

Description: Indicate issues dealt with in supporting documents available to you in the file (e.g., separation agreements, minutes of settlement, affidavits) that were not incorporated in the current order/judgment. Please mark all that apply. A review clause would include such requirements as an annual review of the paying parent's income. For spousal support, only include support awards involving money.

Format: Check field

Value Range:
1. Child support
2. Custody
3. Access
4. Spousal support
5. Arrears
6. Award termination provision
7. Cost of living (inflation) clause
8. Review clause
9. Other (specify)

8. Name: **Access Terms (if any)**

Description: Record terms of access arrangements.
"1-Reasonable/liberal" - includes no restrictions on access
"2-Supervised visiting" - means that access visits must be supervised
"3-Information/no visiting" - refers to situations where information regarding the child(ren) may be received, but no visiting is allowed
"4-No information/no visiting" - refers to complete cut-off from the child(ren)
"5-Scheduled/specified" – is applicable if access is specified by a schedule
"6-Other (specify)" - if none of the above seem applicable but access terms are provided in the order, check and describe as written in the order. This would also include shared custody.
"9-Unknown" – if access is not dealt with or is unknown
If it is stated that access is "Reasonable/liberal", but an access schedule is also specified (e.g., every second weekend), please check "Scheduled/specified".

Format: Check field

Value Range:
1. Reasonable/liberal
2. Supervised visiting
3. Information/no visiting
4. No information/no visiting
5. Scheduled/specified
6. Other (specify): _____
9. Unknown

9. Name: **Spousal Award Amount**

Description: Amount and frequency of spousal award payments, if any. If a spousal award is not cash, but something such as property, specify this under "Other".

Format: Check field and alphanumeric 8-digit dollar field (ranging from $00,000,000 to $99,999,999)

Value Range:
1. No award
2. Lump sum payment
3. Monthly payments
4. Yearly payments
5. Other (specify): _____
9. Unknown/not stated

9.1 Name: **Paying Spouse**:

Description: Indicates who is paying whom.

Format: Check field

Value Range:
1. Wife
2. Husband

10. Name: **Province of Residence of Parents**

Description: For each parent or guardian, the code representing their province/territory of residence should be recorded in appropriate box.

Format: Alphanumeric 2-digit field

Values:
01 to 13 - Province or territory (*Use codes on form*)
88 - Outside Canada
90 - Not stated in order
99 - The whereabouts of the parent is unknown to the court

10.1 Name: **Number of Children in Case**

Description: The total number of children involved in this action.

Format: Alphanumeric 2-digit field

10.1a Name: Number of Children Treated as Under Age of Majority

Description: The total number of children treated as under the age of majority involved in this action.

Format: Alphanumeric 2-digit field

10.1b Name: Number of Children Treated as Over Age of Majority

Description: The total number of children treated as over the age of majority involved in this action.

Format: Alphanumeric 2-digit field

11. Name: Principal Residence of Each Child and Child's Year of Birth

Description: For each child (by Child #) indicate whether *principal* residence is with mother, father, both parents, or some other arrangements and then record the year of birth for the child in the appropriate box.
Use the "both" category only if there is a shared custody arrangement (at least 40% with each parent).
If the child does not reside with either parent (e.g. if they live with other relatives or live on their own), please specify under "Other".
If principal residence for one or more children is unknown, indicate the "Not stated" category and record the year of birth if known. If the place of residence is known but the year of birth is unknown, simply check the place of residence that applies.
Please ensure that when there is more than one child in a family the information for each child is entered in a separate column.

Format: Thirty alphanumeric 2-digit fields.

12. Name: Type of Custody Arrangements under the Guidelines

Description: Record the decision regarding primary residence of all children.
Note that "joint custody" and "joint guardianship" are not guideline terms. These terms are often used when both parents have joint "legal" decision making responsibility regarding decisions on education, medical treatment, religion, etc. In relation to the new guidelines and therefore this question, however, "custody" refers to the primary *residence* of the children.
"1-Sole custody - Mother" - means that the primary residence is with the mother and the child(ren) spends more than 60% of his/her time there
"2-Sole custody – Father" – means that the primary residence is with the father and the child(ren) spends more than 60% of his/her time there
"3-Shared custody" – is the custody arrangement whereby the child(ren) generally spends equal time at both parent's residences. Legally, the guidelines have

stipulated that the child must spend at least 40% of his/her time with both parents to be considered "shared".
"4-Split custody" – is an arrangement whereby each parent has sole custody (i.e., maintains the primary residence) of at least one child specified in the action
"5-Custody granted to other (specify)" – if custody is granted to someone other than the parents, select this option and specify the relationship of the guardian to the child
"6-No order" – if the order/judgment *specifically* indicated that custody is not dealt with, select this response, or if there is an indication that this is a *de facto* custody arrangement
"7-Other arrangements (please explain)" – if there are other arrangements, such as some combination of shared, split and sole custody, select this option and explain
"9-Unable to determine/unknown" – if you can't determine custody arrangements from the content of the order/judgment, select this option.

Format: Check field

Value Range:
1. Sole Custody – Mother
2. Sole Custody – Father
3. Shared custody
4. Split custody
5. Custody granted to other (specify): _____
6. No order
7. Other arrangements (please explain): _____
8. Unable to determine/unknown

B AWARD AMOUNT

Note: Please round all income and award amounts to the nearest dollar.

13. Name: Total Child Support Award Amount

Description: Total Child Support Award amount that is to be paid by one of the parents. Indicate the amount of the child support, which should include the basic table amount plus or minus adjustments for special expenses or undue hardship, as well as payments made to third parties such as tuition paid to educational institutions, but not payments in arrears. In cases of split custody where each parent may be required to pay the other child support, enter the net amount which is calculated by deducting the amount of the lower paying parent from that of the higher paying parent. If the order refers to a hypothetical situation where support payments are linked to future employment, enter only what the current or most consistent award is.
If support is paid on more than one frequency schedule (e.g., a monthly child support amount and an annual amount for special or extraordinary expenses) please code each in on the appropriate line.

If the divorce judgment is silent on child support but a prior court order or separation agreement dealt with child support, still indicate the amount awarded in the appropriate space. If Child Support Guidelines were not used in the previous order, please indicate this in Question 16 by checking "4-Support order is present but there is no indication of how it was calculated".
If a payment schedule is different than those listed, check "4-Other" and write in the payment frequency.
If the order/judgment clearly indicates that a child support award in the amount of $0.00 has been made, leave the amount boxes blank and select option "5-Amount is $0.00". If the child support award is contingent on some future circumstance (e.g., when the payer is employed), select option "6-Amount contingent on future circumstances".
If no award is given or there is a "reserve judgment on child support" select "7-No award".
If no mention is made of child support in any available documents, leave the boxes blank and select option "9-Amount is unknown/not stated".

Format: Four alphanumeric 5-digit dollar fields (ranging from $00,000 to $99,999) plus check fields

13.1 Name: Paying Parent

Description: Indicates whether the mother is the paying parent or the father is the paying parent of the net child support award amount in this court action. In most cases, the payer of the net award amount would also be the payer according to the Child Support Guidelines Tables. However, in a few cases where the recipient's income and Section 7 expenses are both high, a situation may arise in which the parent who would be the payer according to the tables is actually the recipient of the net child support award. In these cases, the parent who is actually paying the net amount should be checked as the "Paying parent" and a comment added detailing the situation. Please note that in subsequent questions regarding the "Paying parent", this refers to the person who should be paying child support according to the Guidelines Tables.
In cases of $0.00 awards or no mention of award select option "3-Not applicable".
If child support is to be paid by a party other than the mother or father, select option "4-Other - specify".
If there is another "payer" to the children involved in this action but awarded in a previous court action such as a previous father/step-father, indicate in the comments section provided.

Format: Check field

Value Range:
1. Mother
2. Father
3. Not applicable
4. Other (specify): _____

14. Name: **Annual Income(s) Used to Determine Table Amounts OR for Determining a "Different Amount"**

Description: Provide the annual income of the paying parent and the recipient parent (if stated) which were used to determine the child support award whether the guidelines were used to determine the amount or not. For purposes of answering this question, the "Paying parent" will always be the parent who should be the payer according to the Guidelines Tables. Use the income as specified in the order. If the amount(s) is not available in the order, use other sources such as income or financial statements as a last resort. If a source other than the order was used to determine incomes, specify the source in the blank. If income was not available anywhere indicate "Not stated".

Format: Two alphanumeric 7-digit dollar fields (ranging from $0,000,000 to $9,999,999) and check field

14.1 Paying parent 9. Not stated
14.2 Recipient parent 9. Not stated

15. Name: **Annual Incomes Used to Determine Each Parent's Share of Special Expenses**

Description: Incomes of the Payer parent and/or Recipient parent used to determine share of Special Expenses. For purposes of answering this question, the "Paying parent" will always be the parent who should be the payer according to the Guidelines Tables. If a source other than the order was used to determine incomes, specify the source in the blank. If no special expenses, indicate "1-Not applicable".

Format: Two alphanumeric 7-digit dollar fields (ranging from $0,000,000 to $9,999,999) and check fields

Value Range: 1. Not applicable

15.1 Paying Parent 9. Not stated
15.2 Recipient Parent 9. Not stated

16. Name: **How Was Award Amount Determined?**

Description: If the order indicates that Child Support Guidelines were followed/applied to determine any part of the award amount check "1-Federal Child Support Guidelines used" or "3-Provincial Child Support Guidelines used". The latter applies only in the provinces where guidelines have been "designated". Also, if it is stated that a table amount and/or Section 7 special expenses are part of the award, check either "1-Federal Child Support Guidelines used" or "3- Provincial Child Support Guidelines used" where appropriate.

If the guideline tables were not used at all, check "2-Different amount determined as per Section 15.1(5)..." and indicate the methodology and Sections of the *Divorce Act* where referenced in the comments section.
There may be situations where a support order under either federal or provincial/territorial legislation (Note: question 3.0 will indicate jurisdiction) is present but there is no indication of how it was calculated (guidelines weren't used). In these cases, select option "4-Support order or agreement is present but there is no indication of how it was calculated". Make sure this amount is also entered in Question 13. In situations where the judgment does not refer specifically to support but there is a previous order, judgment, or separation agreement on file that dealt with child support, select option "5-Divorce order is silent on support but a previous order or separation agreement regarding child support is filed..." and indicate the date of the previous order or agreement if available. **Note:** If it is clear that this previous order or agreement used Child Support Guidelines, you should still select option "1" or "3".

Format: Check field, open-ended text fields, and 6-digit date field.

Value Range:
1. Federal Child Support Guidelines used
2. "Different amount" determined as per Section 15.1(5), 15.1(7), 17(6.4) or 17(6.5) of the *Divorce Act*.
3. Provincial Child Support Guidelines used
4. Support order or agreement is present, but there is no indication of how it was calculated
5. Divorce judgment is silent on support, but a previous order or separation agreement regarding child support is filed with the motion for divorce judgment. Please provide the date of the prior order or agreement.
9. Unknown/not stated

17. Name: Other child support award amount determined as per

Description: If the child support award does not fit into any of the categories in Question 16, but there is some indication of how it was determined, please write this in the blank.
If reasons why the Federal or Provincial Child Support Guidelines were not used or why there was a $0.00 award amount are given, write these in the second blank for this question.

Format: Two open-ended text fields

18. Name: For all post-May 1997 orders/judgments, which of the following information was contained in the order? (mark all that apply)

Description: Specify the information that was contained in the order/judgment or attached documents incorporated as part of the order (as opposed to supporting documents in the file).

For option "6-Particulars of all special or extraordinary expenses awarded", check this only if the individual special or extraordinary expense(s) awarded in the order are specified (e.g., Child care/day care, Portion of medical and dental insurance premiums for the child, etc.)

Format: Check field

Value Range:
1. Name of each child to whom the order relates
2. Birth date of each child to whom the order relates
3. Income of any spouse whose income is used to determine the amount of the child support order
4. Amount of child support determined from the appropriate table for the number of children to whom the order relates
5. Amount considered appropriate (not the table amount) for a child the age of majority or over
6. Particulars of all special or extraordinary expenses awarded
7. Child to whom any special or extraordinary expense relates
8. The amount of any special or extraordinary expense or, where that amount cannot be determined, the proportion to be paid in relation to the expense
9. Date on which the lump sum or first payment is payable and the day of the month or other time period on which all subsequent payments are to be made

C DETAILED INFORMATION ON GUIDELINE COMPONENTS

This should be filled out if any part of the award includes either a table amount (C.1) *OR* any special expenses (C.2) *OR* undue hardship (C.3). Fill out these sections only if this information has been specified in the divorce judgment, order, agreement or previous order.

C.1 Table Amounts

19. Name: **Table Amount for *Paying* Parent as Stated in the Order:** (only include if specified in order or supporting documents. Please note that this does not refer to the parent's income.)

Description: Table amount as specified in the order or supporting documentation. For purposes of answering this question, the "Paying parent" will always be the parent who should be the payer according to the Guidelines Tables. If the table amount is not listed in the order or agreement leave blank. Note that the table amount does not include special expenses or undue hardship.

Format: Check field and alphanumeric 5-digit dollar field (ranging from $00,000 to $99,999).

Value Range:
1. Not applicable
9. Unknown/not stated

20. Name: **If custody is Shared or Split - Table Amount for *Recipient* Parent as Stated in the Order** (only include if specified in order or supporting documents)

Description: For split custody, the Guidelines **require** that a table amount be determined for each parent.
For shared custody, the Guidelines **suggest** that table amounts for each parent be taken into account.
For purposes of answering this question, the "Recipient parent" will always be the parent who should be the recipient according to the Guidelines Tables.

Format: Alphanumeric 5-digit dollar field (ranging from $00,000 to $99,999)and check fields

Value Range: 1. Not applicable
9. Unknown/not stated

21. Name: **Discretionary Award Amount for Each Child *at* or *over* the Age of Majority**

Description: If there are any children at or over the age of majority and if they were not included when determining the Table amount for all the children, indicate the award amount for each child at or over the age of majority, using the numbering from question #11 to identify each child (Reference: Guidelines section 3(2)(b)).
If there are no children over the age of majority, please leave this question blank.
If there are children over the age of majority, but they were included when determining the table amount for all the children, leave this question blank. Only enter an amount of $0 if there are children over the age of majority, but no provision was made for them in the child support order.

Format: Three alphanumeric 4-digit dollar fields (ranging from $0,000 to $9,999), one for each child number

C.2 Special or Extraordinary Expenses

22. Name: **Special or Extraordinary Expenses Awarded under Section 7 of the Guidelines**

Description: Amount of Special or Extraordinary Expenses to be paid to the Recipient parent by the Paying parent AND/OR the proportion of expenses to be paid.
Enter the amount in the boxes beside the appropriate payment frequency, and check the payment frequency in the check boxes. Complete all that apply.
If the amount of special or extraordinary expenses is not included in the order, but the proportion of expenses to be paid by the paying parent is available, code this percentage in the percentage boxes.
In the majority of cases, the parent paying the Guidelines Table amount will also be the parent paying special or extraordinary expenses. There may be a few cases in which the "Paying parent" according to the Guidelines tables applies for special

or extraordinary expenses and, as a result, the "Recipient parent" according to the Guidelines tables may end up paying the net amount of special or extraordinary expenses to the Paying parent. In these cases, list the net amount in the boxes beside option "4-Other (specify): _____" and write the particulars in the comment field.

Format: Check fields and alphanumeric 6-digit dollar fields (ranging from $000,000 to $999,999) and alphanumeric 3-digit percentage field

Value Range: 1. Yes – Paying parent's share of special or extraordinary expenses is: (Provide monthly amount to be paid to Recipient and/or proportion of expenses)
2. Yes – Award amount and/or proportion not stated (No indication of special expenses amount or proportion)
3. None - No special or extraordinary expenses awarded

23. Name: Process for Determining Special or Extraordinary Expenses

Description: Check the box beside each special or extraordinary expense category that was awarded in the case. For each expense awarded, if either amount or proportion was specified, check the box under the appropriate alternative. If both amount and proportion were specified, check the boxes under each alternative. If neither amount nor proportion was specified, do not check any of these boxes. If categories for special expenses are stated *but not* amounts or proportions, then the categories should still be checked off. Some orders will specify expenses for other items such as life insurance or registered education savings plans. Please note these in Question 24.

Format: Three check fields for each expense and an open-ended text field

Section 7 expenses:	**Amount Specified**	**Proportion Specified**
23.1 Child care/day care	1. Yes	2. Yes
23.2 Portion of medical and dental insurance for the child	1. Yes	2. Yes
23.3 Health-related expenses	1. Yes	2. Yes
23.4 Primary and Secondary School/Educational Programs	1. Yes	2. Yes
23.5 Post-secondary school	1. Yes	2. Yes
23.6 Extracurricular activities	1. Yes	2. Yes

24. Name: **"Other" arrangements outside of Section 7**

Description: If any other expenses were part of the award outside of Section 7 expenses detailed in items 23.1 through 23.6 above, record any available explanation or information

Format: Open-ended text field

C.3 Undue Hardship

25. Name: **Applicant**

Description: Check whether application made by payer, recipient, or both. Check "Not applicable" if this case does not include an undue hardship application.

Format: Check field

Value Range: 1. Not applicable
2. Paying Parent
3. Recipient Parent
4. Both

26. Name: **Were the Incomes of Other Household Members Used in Standard of Living Test?**

Description: Indicate whether the income of other members of either the paying parent's or recipient parent's household were included when comparing their respective standards of living.

Format: Check field

Value Range: 1. Yes
2. No
9. Not stated

27. Name: **Outcome of Undue Hardship Application**

Description: What was the result of the application for Undue Hardship by either parent? If the award is greater than the guideline amount, select option "2-Increase of guideline amount" and, where available from the documents, also record the dollar amount difference per month. If the award is less than the guideline amount, select option "3-Decrease of guideline amount" and where available from the documents, also record the dollar amount difference per month.

Format: Two alphanumeric 5-digit dollar fields (ranging from $00,000 to $99,999) and check field.

Value Range: 1. Denied
2. Increase of guideline amount. Where available from documents also record amount of increase (amount per month). **OR**
3. Decrease of guideline amount. Where available from documents also record amount of decrease.(amount per month)
9. Unknown/not stated

28. Name: "Reasons" Noted in Order or Judgment (if any)

Description: Any reasons noted as per Section 10(6) of the Child Support Guidelines, i.e. "Where the court makes a child support order in a different amount under this section, it must record its reasons for doing so."

Format: Open-ended text field

D ***IF THIS ACTION IS A VARIATION TO A PREVIOUS CHILD SUPPORT ORDER, PLEASE ALSO COMPLETE THE FOLLOWING:***

29. Name: Applicant

Description: Who applied for the Variation

Format: Check field

Value Range: 1. Paying parent
2. Recipient parent
3. Both (cross-application)

30. Name: Reasons for Variation (Guidelines Section 14)

Description: What reason was given in the variation order by the judge to vary the existing order? If the reason was other than implementation of the Child Support Guidelines, choose option "2-Other change of circumstances" and specify the reason. If no reason was given, choose option "9-Unknown".

Format: Check field

Value Range: 1. Implementation of Guidelines (refer to section 14(c) of Guidelines)
2. Other change of circumstances (Section 14(a) or (b) – specify): _____
9. Unknown/not stated

31. Name: **Date of Original Order**

Description: Date of the order that is being varied

Format: Alphanumeric 8-digit date field

Value Range: 9. Unknown/not stated

32. Name: **Amount of Original Award**

Description: Amount of order that is being varied.

Format: Alphanumeric 5-digit dollar field (ranging from $00,000 to $99,999)

Value Range: 9. Unknown/not stated

32.1 Name: **Indicate whether the original order was for:**

Description: Specification of what the order being varied included

Format: Check field

Value Range:
1. Child support only
2. Child and spousal support combined
9. Unknown whether it was for child support only or child and spousal support combined

33. Name: **Decision**

Description: What was the court's decision regarding the application to vary?

Format: Check field

Value Range:
1. Face-value amount increased
2. Face-value amount decreased
3. Denied
4. Termination order
9. Not stated whether increased or decreased

34. Name: **Comments noted in order or judgment, (if any)**

Description: Any comments that were included in the order or judgment.

Format: Open-ended text field

If you have any questions about a particular case that are not dealt with in this coding manual, please call the Child Support Help Line at

1-888-881-4273

APPENDIX C

PROVINCIAL/TERRITORIAL COMPARISONS

Table C-1: Type of Divorce Order/Judgment by Province/Territory[1]

Province/ Territory	Type of order/judgment											
	Interim child support order		Divorce with child support order		Divorce silent on child support		Corollary		Reserved		Other	
	n	%	n	%	n	%	n	%	n	%	n	%
Newfoundland (n=49)	3	6.1	40	81.6	2	4.1	0	0.0	0	0.0	4	8.2
Prince Edward Island (n=208)	4	1.9	163	78.4	38	18.3	0	0.0	0	0.0	3	1.4
Nova Scotia (n=629)	51	8.1	547	87.0	19	3.0	5	0.8	0	0.0	7	1.1
New Brunswick (n=435)	8	1.8	423	97.2	4	0.9	0	0.0	0	0.0	0	0.0
Ontario (n=4,302)	166	3.9	844	19.6	3,120	72.5	107	2.5	0	0.0	65	1.5
Manitoba (n=856)	103	12.0	742	86.7	5	0.6	0	0.0	0	0.0	6	0.7
Saskatchewan (n=420)	170	40.5	195	46.4	34	8.1	2	0.5	0	0.0	19	4.5
Alberta (n=3,683)	666	18.1	2,556	69.4	155	4.2	15	0.4	277	7.5	14	0.4
British Columbia (n=507)	108	21.3	197	38.9	196	38.7	0	0.0	0	0.0	6	1.2
Yukon (n=37)	11	29.7	1	2.7	1	2.7	21	56.8	0	0.0	3	8.1
Northwest Territories (n=92)	43	46.7	27	29.3	3	3.3	17	18.5	0	0.0	2	2.2

[1] 535 cases were missing data on both type of divorce order/judgment and type of variation order.

Table C-2: Type of Variation Order by Province/Territory[1]

Province/Territory	Type of order					
	Interim variation order		Variation order		Other	
	n	%	n	%	n	%
Newfoundland (n=87)	6	6.9	70	80.5	11	12.6
Prince Edward Island (n=35)	1	2.9	32	91.4	2	5.7
Nova Scotia (n=350)	11	3.1	332	94.9	7	2.0
New Brunswick (n=153)	3	2.0	149	97.4	1	0.7
Ontario (n=291)	47	16.2	240	82.5	4	1.4
Manitoba (n=242)	5	2.1	237	97.9	0	0.0
Saskatchewan (n=147)	16	10.9	68	46.3	63	42.9
Alberta (n=854)	100	11.7	739	86.5	15	1.8
British Columbia (n=104)	4	3.8	98	94.2	2	1.9
Yukon (n=0)	0	0.0	0	0.0	0	0.0
Northwest Territories (n=21)	4	19.0	12	57.1	5	23.8

[1] 535 cases were missing data on both type of divorce order/judgment and type of variation order.

Table C-3: Disposition of All Orders by Province/Territory

Province/Territory	Disposition							
	Consent/ uncontested		Contested		Unknown		Missing	
	n	%	n	%	n	%	n	%
Newfoundland (n=137)	76	55.5	58	42.3	2	1.5	1	0.7
Prince Edward Island (n=243)	193	79.4	45	18.5	3	1.2	2	0.8
Nova Scotia (n=980)	810	82.7	145	14.8	21	2.1	4	0.4
New Brunswick (n=588)	523	88.9	5	0.9	59	10.0	1	0.2
Ontario (n=4,593)	4,396	95.7	187	4.1	5	0.1	5	0.1
Manitoba (n=1,102)	1,003	91.0	78	7.1	9	0.8	12	1.1
Saskatchewan (n=1,024)	640	62.5	333	32.5	13	1.3	38	3.7
Alberta (n=4,540)	3,896	85.8	613	13.5	11	0.2	20	0.4
British Columbia (n=611)	418	68.4	180	29.5	10	1.6	3	0.5
Yukon (n=106)	86	81.1	15	14.2	5	4.7	0	0.0
Northwest Territories (n=113)	76	67.3	30	26.5	6	5.3	1	0.9

Table C-4: Disposition of Divorce Orders/Judgments by Province/Territory

Province/Territory	Disposition							
	Consent/ uncontested		Contested		Unknown		Missing	
	n	%	n	%	n	%	n	%
Newfoundland (n=49)	45	91.8	4	8.2	0	0.0	0	0.0
Prince Edward Island (n=208)	182	87.5	21	10.1	3	1.4	2	1.0
Nova Scotia (n=629)	554	88.1	54	8.6	17	2.7	4	0.6
New Brunswick (n=435)	372	85.5	5	1.1	58	13.3	0	0.0
Ontario (n=4,302)	4,170	96.9	123	2.9	4	0.1	5	0.1
Manitoba (n=856)	796	93.0	48	5.6	3	0.4	9	1.1
Saskatchewan (n=420)	281	66.9	123	29.3	12	2.9	4	1.0
Alberta (n=3,683)	3,343	90.8	314	8.5	9	0.2	17	0.5
British Columbia (n=507)	372	73.4	128	25.2	5	1.0	2	0.4
Yukon (n=37)	29	78.3	8	21.6	0	0.0	0	0.0
Northwest Territories (n=92)	65	70.7	20	21.7	6	6.5	1	1.1

Table C-5: Disposition of Variation Orders by Province/Territory

Province/Territory	Disposition							
	Consent/ uncontested		Contested		Unknown		Missing	
	n	%	n	%	n	%	n	%
Newfoundland (n=87)	31	35.6	53	60.9	2	2.3	1	1.1
Prince Edward Island (n=35)	11	31.4	24	68.6	0	0.0	0	0.0
Nova Scotia (n=350)	255	72.9	91	26.0	4	1.1	0	0.0
New Brunswick (n=153)	151	98.7	0	0.0	1	0.7	1	0.7
Ontario (n=291)	226	77.7	64	22.0	1	0.3	0	0.0
Manitoba (n=242)	203	83.9	30	12.4	6	2.5	3	1.2
Saskatchewan (n=147)	59	40.1	74	50.3	1	0.7	13	8.8
Alberta (n=854)	550	64.4	299	35.0	2	0.2	3	0.4
British Columbia (n=104)	46	44.2	52	50.0	5	4.8	1	1.0
Yukon (n=0)	0	0.0	0	0.0	0	0.0	0	0.0
Northwest Territories (n=21)	11	52.4	10	47.6	0	0.0	0	0.0

Table C-6: Legal Representation by Province/Territory

Province/Territory	Legal representation for:					
	Mother		Father		Government agency	
	n	%	n	%	n	%
Newfoundland (n=137)	49	35.8	39	28.5	2	1.5
Prince Edward Island (n=243)	167	68.7	103	42.4	16	6.6
Nova Scotia (n=980)	723	73.8	611	62.3	0	0.0
New Brunswick (n=588)	469	79.8	415	70.6	2	0.3
Ontario (n=4,593)	2,644	57.6	2,161	47.0	12	0.3
Manitoba (n=1,102)	1,012	91.8	836	75.9	17	1.5
Saskatchewan (n=1,024)	903	88.2	749	73.1	1	0.1
Alberta (n=4,540)	4,010	88.3	3,351	73.8	49	1.1
British Columbia (n=611)	511	83.6	423	69.2	55	9.0
Yukon (n=106)	84	79.2	52	49.1	4	3.8
Northwest Territories (n=113)	102	90.3	86	76.1	5	4.4

Table C-7: Issues Dealt With in Divorce Order/Judgments by Province/Territory

Province/ Territory	Issue																	
	Child support		Custody		Access		Spousal support		Award termination provision		Arrears		Review clause		Cost of living clause		Other	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Nfld. (n=49)	47	95.9	1	2.0	2	4.1	2	4.1	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
P.E.I. (n=208)	177	85.1	169	81.3	161	77.4	14	6.7	60	28.9	1	0.5	11	5.3	16	7.7	3	1.4
N.S. (n=629)	601	95.5	572	90.9	561	89.2	269	42.8	15	2.4	31	4.9	92	14.6	2	0.3	30	4.8
N.B. (n=435)	426	97.9	429	98.6	404	92.9	163	37.5	3	0.7	21	4.8	3	0.7	0	0.0	9	2.1
Ont. (n=4,302)	1,134	26.4	1,289	30.0	1,074	25.0	335	7.8	354	8.2	128	3.0	285	6.6	173	4.0	282	6.6
Man. (n=856)	852	99.5	794	92.8	718	83.9	122	14.3	38	4.4	67	7.8	31	3.6	0	0.0	234	27.3
Sask. (n=420)	369	87.9	318	75.7	290	69.1	93	22.1	3	0.7	16	3.8	8	1.9	0	0.0	7	1.7
Alta. (n=3,683)	3,520	95.6	3,185	86.5	3,055	83.0	1,504	40.8	636	17.3	155	4.2	160	4.3	11	0.3	79	2.2
B.C. (n=507)	315	62.1	265	52.3	208	41.0	91	18.0	30	5.9	29	5.7	34	6.7	1	0.2	6	1.2
Y.T. (n=37)	33	89.2	33	89.2	26	70.3	11	29.7	3	8.1	4	10.8	4	10.8	1	2.7	0	0.0
N.W.T. (n=92)	88	95.7	76	82.6	65	70.7	4	4.4	0	0.0	1	1.1	8	8.7	0	0.0	9	9.8

Numbers do not add up to totals, since more than one issue may be dealt with in an order/judgment.

Table C-8: Issues Dealt With in Variation Orders by Province/Territory

Province/ Territory	Issue																	
	Child support		Custody		Access		Spousal support		Award termination provision		Arrears		Review clause		Cost of living clause		Other	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Nfld. (n=87)	83	95.4	6	6.9	1	1.1	5	5.7	0	0.0	10	11.5	0	0.0	0	0.0	3	3.5
P.E.I. (n=35)	34	97.1	7	20.0	8	22.9	0	0.0	3	8.6	12	34.3	0	0.0	2	5.7	0	0.0
N.S. (n=350)	317	90.6	73	20.9	59	16.9	10	2.9	14	4.0	83	23.7	55	15.7	0	0.0	20	5.7
N.B. (n=153)	144	94.1	39	25.5	41	26.8	11	7.2	4	2.6	27	17.7	0	0.0	0	0.0	1	0.7
Ont. (n=291)	285	97.9	76	26.1	68	23.4	17	5.8	67	23.0	100	34.4	42	14.4	15	5.2	54	18.6
Man. (n=242)	241	99.6	61	25.2	65	26.9	12	5.0	13	5.4	75	31.0	7	2.9	0	0.0	19	7.9
Sask. (n=147)	128	87.1	21	14.3	26	17.7	5	3.4	13	8.8	32	21.8	7	4.8	0	0.0	1	0.7
Alta. (n=854)	851	99.6	151	17.7	192	22.5	53	6.2	157	18.4	288	33.7	66	7.7	2	0.2	22	2.6
B.C. (n=104)	104	100.0	21	20.2	24	23.1	8	7.7	12	11.5	29	27.9	10	9.6	0	0.0	3	2.9
Y.T. (n=0)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
N.W.T. (n=21)	20	95.2	12	57.1	9	42.9	1	4.8	0	0.0	3	14.3	3	14.3	1	4.8	1	4.8

Numbers do not add up to totals, since more than one issue may be dealt with in an order.

Table C-9: Type of Custody by Province/Territory

Province/ Territory	Type of custody											
	Sole-Mother		Sole-Father		Shared		Split		Other		Missing	
	n	%	n	%	n	%	n	%	n	%	n	%
Newfoundland (n=137)	108	78.8	3	2.2	11	8.0	5	3.6	2	1.5	8	5.8
Prince Edward Island (n=243)	186	76.5	12	4.9	16	6.6	17	7.0	4	1.6	8	3.3
Nova Scotia (n=980)	767	78.3	59	6.0	18	1.8	69	7.0	12	1.2	55	5.6
New Brunswick (n=588)	460	78.2	53	9.0	23	3.9	38	6.5	1	0.2	13	2.2
Ontario (n=4,593)	3,534	76.9	409	8.9	312	6.8	163	3.5	56	1.2	119	2.6
Manitoba (n=1,102)	937	85.0	76	6.9	10	0.9	46	4.2	2	0.2	31	2.8
Saskatchewan (n=1,024)	802	78.3	61	6.0	33	3.2	52	5.1	3	0.3	73	7.1
Alberta (n=4,540)	3,446	75.9	427	9.4	249	5.5	261	5.7	12	0.3	88	1.9
British Columbia (n=611)	482	78.9	46	7.5	33	5.4	20	3.3	10	1.6	20	3.3
Yukon (n=106)	78	73.6	10	9.4	8	7.5	3	2.8	1	0.9	6	5.7
Northwest Territories (n=113)	88	77.9	6	5.3	6	5.3	6	5.3	0	0.0	7	6.2

Table C-10: Median Monthly Child Support Award Amount and Paying Parent Income by Province/Territory

Province/Territory	Median child support amount		Median paying parent income[1]	
Newfoundland	$265	(n=115)	$26,000	(n=88)
Prince Edward Island	$314	(n=180)	$25,660	(n=125)
Nova Scotia	$353	(n=817)	$32,260	(n=816)
New Brunswick	$325	(n=445)	$30,000	(n=348)
Ontario	$416	(n=3,075)	$36,000	(n=2,703)
Manitoba	$356	(n=1,056)	$32,000	(n=1,025)
Saskatchewan	$398	(n=860)	$34,400	(n=785)
Alberta	$500	(n=3,878)	$37,670	(n=4,108)
British Columbia	$449	(n=499)	$38,580	(n=488)
Yukon	$500	(n=80)	$40,500	(n=84)
Northwest Territories	$500	(n=89)	$43,460	(n=78)

[1] Includes all cases with paying parent income regardless of whether the case reported a monthly child support award amount.

Table C-11: Number and Proportion of Cases Having Special or Extraordinary Expenses Awarded by Province/Territory

Province/Territory	n	%
Newfoundland (n=137)	17	12.4
Prince Edward Island (n=243)	51	21.0
Nova Scotia (n=980)	174	17.8
New Brunswick (n=588)	110	18.7
Ontario (n=4,593)	1,521	33.1
Manitoba (n=1,102)	271	24.6
Saskatchewan (n=1,024)	282	27.5
Alberta (n=4,540)	1,796	39.6
British Columbia (n=611)	141	23.1
Yukon (n=106)	25	23.6
Northwest Territories (n=113)	17	15.0

Table C-12: Number and Proportion of Cases from Each Province/Territory Awarding Each Type of Special or Extraordinary Expenses

Province/ Territory	Special or Extraordinary Expense											
	Child care/ day-care		Medical/ dental insurance premiums		Health-related		Primary/ secondary education		Post-secondary education		Extra-curricular activities	
	n	%	n	%	n	%	n	%	n	%	n	%
Newfoundland (n=137)	5	3.6	7	5.1	1	0.7	1	0.7	3	2.2	0	0.0
Prince Edward Island (n=243)	18	7.4	16	6.6	10	4.1	5	2.1	8	3.3	20	8.2
Nova Scotia (n=980)	69	7.0	25	2.6	36	3.7	13	1.3	26	2.7	45	4.6
New Brunswick (n=588)	45	7.7	35	6.0	21	3.6	15	2.6	11	1.9	38	6.5
Ontario (n=4,593)	392	8.5	886	19.3	718	15.6	299	6.5	717	15.6	503	11.0
Manitoba (n=1,102)	167	15.2	23	2.1	50	4.5	32	2.9	23	2.1	32	2.9
Saskatchewan (n=1,024)	136	13.3	32	3.1	41	4.0	19	1.9	25	2.4	86	8.4
Alberta (n=4,540)	758	16.7	512	11.3	498	11.0	355	7.8	99	2.2	664	14.6
British Columbia (n=611)	79	12.9	18	2.9	23	3.8	23	3.8	9	1.5	37	6.1
Yukon (n=106)	6	5.7	1	0.9	6	5.7	2	1.9	7	6.6	5	4.7
Northwest Territories (n=113)	9	8.0	3	2.7	1	0.9	2	1.8	1	0.9	4	3.5

Table C-13: Median Monthly Special or Extraordinary Expenses Awarded and Paying Parent Income by Province/Territory

Province/Territory	Median special expenses amount		Median paying parent income[1]	
Newfoundland	98	(n=5)	$26,000	(n=88)
Prince Edward Island	76	(n=22)	$25,660	(n=125)
Nova Scotia	110	(n=80)	$32,260	(n=816)
New Brunswick	108	(n=48)	$30,000	(n=348)
Ontario	175	(n=283)	$36,000	(n=2,703)
Manitoba	80	(n=193)	$32,000	(n=1,025)
Saskatchewan	100	(n=159)	$34,400	(n=785)
Alberta	104	(n=1,206)	$37,670	(n=4,108)
British Columbia	135	(n=93)	$38,580	(n=488)
Yukon	590	(n=2)	$40,500	(n=84)
Northwest Territories	155	(n=10)	$43,460	(n=78)

[1] Includes all cases with paying parent income regardless of whether the case reported a monthly child support award amount.